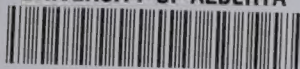


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Colonies
Canada 32

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ON NEWFOUNDLAND AFFAIRS AND ON
CROFTER COLONISATION IN CANADA
WITH APPENDICES

1890-94

Colonies
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OF

HER MAJESTY'S COMMISSIONERS
APPOINTED TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN
HIGHLANDS AND ISLANDS OF SCOTLAND,

WITH APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



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1891.

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SECOND REPORT
OF THE
COLONISATION BOARD.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

WE, the undersigned Commissioners, appointed under Your Majesty's Sign Manual, for the purpose of carrying out a scheme of Colonisation in the Dominion of Canada, of Crofters and Cottars from the Western Highlands and Islands of Scotland, desire humbly to submit to your Majesty the following Report :—

Reports have recently been received from the agent of the Board in Canada, as to the condition of the Crofter settlements at Killarney, in Manitoba, and at Saltcoats, in the North-West Territories. The former was established in the summer of 1888, and the latter in the spring of 1889.

Statements are appended summarising the position of the families at the end of September, giving the number of acres under cultivation in wheat, oats, and potatoes, the number of tons of hay cut in 1890, and the area that has been prepared for next year. The returns also enumerate the live stock and implements in their possession, and the fencing that has been erected.

Killarney Settlement.

The following table refers to the Killarney settlement :—

—	Acres.	Estimated Average Yield (Bushels).	Estimated Total Crop (Bushels).
Wheat - - -	1,346 $\frac{3}{4}$	22 $\frac{1}{2}$	30,302
Oats - - -	74	39	2,886
Potatoes - - -	9 $\frac{1}{4}$	—	2,160

Of the foregoing the heads of the families had 1,121 $\frac{1}{2}$ acres under wheat, 64 under oats, and 9 $\frac{1}{4}$ under potatoes. The young men in the settlement who have taken up the 160 acres of land, to which such persons of 18 years and upwards are entitled under the Canadian land regulations, are also making considerable progress ; they had 225 $\frac{1}{4}$ acres under wheat, and 10 acres under oats. In addition 518 tons of hay were secured by the settlers for winter feed for their stock, and for sale. With regard to the live stock, in addition to that supplied on their arrival in the country, and its natural increase, certain of the families have acquired 24 oxen, 25 cows, and 1 horse, of which 20 oxen and 6 cows must be credited to the younger members. 2,289 acres have been prepared for 1891, an average of over 76 acres per family.

It is generally considered that this settlement is in a satisfactory condition, and that its success is assured. The settlers appear to have overcome the difficulties and trials more or less associated with settlement in a new country, and with entire change of surroundings and of work. We have no hesitation in saying that they will, before long, be equal to any settlers in the country. Most of the men who have been able to leave their farms, as well as the younger members of the families, have obtained employment at good wages ; and this, in conjunction with the produce of their farms, has enabled them to attain the position they now occupy.

Appendix A. contains extracts from the general report of Mr. G. B. Borradaile, the agent of the Board, relating to this settlement.

Saltcoats Settlement.

The statement relating to the Saltcoats settlement shows that 18 families have left their farms, a matter which will be again referred to.

The 31 remaining families (exclusive of two who are settled at Wapella and Killarney) have under cultivation this year 240 acres, with the result shown in the following table :—

—			Acres.	Estimated Average Yield (Bushels).	Estimated Total Crop (Bushels).
Wheat	-	-	105½	22	2,321
Oats	-	-	120	43	5,160
Potatoes	-	-	14¾	—	2,375

They have secured 568 tons of hay—a larger quantity than that obtained by the Killarney crofters. A further 162 acres have been prepared for cultivation, so that they will have ready for crop, in the spring of next year, 422 acres. Certain of the crofters have acquired seven cows in addition to the stock originally supplied to them, and its natural increase.

The Saltcoats district is being developed with considerable rapidity. Creameries have been established in the neighbourhood, which provide a market for all the milk that can be obtained. The promoters of this industry hope in a short time to afford facilities to the crofters for taking advantage of this source of revenue.

Appendix B. contains extracts from the general report of the agent upon the settlement.

The 31 families who have remained upon their homesteads are, with one or two exceptions, doing fairly well. Many of them have been able to obtain work at good wages, and some were still away when the reports were despatched. If the Saltcoats settlers pay as much attention to their own interests and to their work as those at Killarney have done, they will, in all probability, make equally good progress.

Mr. Borradaile refers in his report to the 18 families who have left the settlement. It is not easy to explain why they have gone away; it is evident that they have been doing well in the country, as they could not otherwise have obtained the money to convey their families to the places where they are now residing. They gave various reasons for leaving their homesteads, the principal one being that they were doing better at work, as day labourers, than they could upon their land. It is said that they are earning about 7s. a day, and are likely to be employed during the winter. The fact has been overlooked by them that they could have carried on the work of their farms in conjunction with such outside employment as they might be able to procure; this would have been greatly to their advantage, considering the limited capital with which they started. They were advised to sow the small area of land prepared in 1889, in the following year, with the seed advanced to them by the Canadian Government, and to break more of the prairie for cultivation in 1891. Many of the adults would then have been free to take any employment that offered, in the latter part of June, July, and part of August, returning in time to gather their hay and other crops, and to prepare the land for this year, after which there would have been nothing to prevent their endeavouring to obtain work until the spring. The continuance, for two or three years of this plan, which is followed by most of the successful settlers, starting with a small capital, would have ensured rapid progress, and in a few years a more independent position.

The Saltcoats settlement is in two divisions, a few miles distant from each other, one being called "Lothian" colony and the other "King" colony. Land was selected for the entire settlement in one district, *i.e.*, that in which the former colony is situated. Thirty-three of the families accepted the lands selected for them, or other adjoining homesteads, and are making satisfactory progress, with the exception of five families who have gone away. The 14 families in King colony (which is about 12 miles distant from Lothian colony) would not take the land set apart for them near their

neighbours, but chose locations for themselves, the Manitoba and North-Western Railway Company assisting them in every way, giving up, in some cases, lands belonging to the Company when the crofters preferred them to the free grant land available. Thirteen of these families have now abandoned their holdings, and this result is attributed largely to their not having followed the advice of the officers concerned in the administration of the scheme. Considerable difficulty was experienced, with a few exceptions, in getting the 49 families located, notwithstanding that every consideration was shown to their wishes, as to partners and neighbours. This will be better understood when it is stated that only 12 families retained their original locations, that 24 made fresh selections, and that 12 settled on locations that had been given up by other crofters.

Since our last report, we have had under consideration the desirability of forming an honorary sub-committee of the Board in Winnipeg, through which the instructions to, and the reports from, the agent of the Board could pass, and which would be able to give us the benefit of its advice upon any matters that might arise connected with the settlements. As the result, the following gentlemen were invited to become members of the sub-committee, and we are gratified to be able to state that they all expressed their willingness to give us the benefit of their assistance: Mr. H. H. Smith, Dominion Lands Commissioner; Mr. W. B. Scarth, M.P., Land Commissioner of the Canada North-West Land Company; Mr. L. A. Hamilton, Land Commissioner of the Canadian Pacific Railway Company; Mr. A. F. Eden, Land Commissioner of the Manitoba and North-Western Railway Company; and Mr. Lawson, Land Commissioner of the Hudson Bay Company. All these gentlemen are well known in Manitoba and the North-West Territories, have a thorough knowledge of immigration and colonisation, and are interested in the success of the experiments which are now under trial. Their co-operation and experience will be of much service to the Board, not only in connexion with the existing settlements, but in the event of any further colonisation taking place.

Immediately we were advised of the families having left the settlement, in September last, the committee was requested to look into the matter, and to report as to the measures to be taken for the protection of the Board. An endeavour was at once made to induce the families to return. They were informed how successful the crops of the settlers who had remained had been, and how short-sighted was the course they were adopting; and that, having abandoned their first homesteads, they would not be eligible to take up free grant land at any future time. As these efforts were not successful, it only remained for the Board to obtain possession of the land, stock, and chattels, and to realise them at the most favourable opportunity. This is being done. It is expected that the security will very nearly, if not quite, realise the money advanced upon it.

The houses, stock, and implements of the families who have gone away, will be given, as far as possible, to the younger members of the families who are remaining, and they will give security for their value on the lands they are taking up. Some of the implements, tools, &c. belonging to the crofters appear to have been badly used, and are in many cases damaged. The same remark applies to the oxen and cows, which have in a few instances depreciated in value from the indifferent attention paid to them.

In the autumn of the present year the Canadian Government invited farmers from different parts of the United Kingdom to visit Canada and report on the agricultural resources of the country. Among these gentlemen were Mr. John Speir, of Newton Farm, near Glasgow, and Mr. George Brown, of Caithness. They have favoured the Board with their views on the Crofter settlements, and extracts from their letters will be found in Appendix C.

We are gratified to notice the following paragraph in Mr. Brown's letter:—"The foregoing will serve to indicate the present position and prospects of the Crofters settled at Saltcoats. These were all taken out under the Government emigration scheme. I have no hesitation in saying that those who have taken up their homesteads are infinitely better placed, more comfortable, with better prospects for the future than ever could be their lot if they had remained at home."

The 61 families now under the care of the Board at Killarney and Saltcoats will, with few exceptions, make good settlers, and their progress in the future is likely to be more rapid than hitherto. They are now beginning to realise the advantages of the position in which they are placed, are becoming imbued with the spirit of the country, and are profiting by the example of the other settlers around them.

Upon the whole, therefore, it may be stated that the settlers are in a satisfactory condition. The scheme so far has been in the nature of an experiment, and the experience acquired has been most valuable, as showing in what respect its details require to be amended. There is every reason to believe, as the result, that colonisation on a much larger scale than has hitherto been attempted is practicable, and that it can be carried out in a satisfactory manner, to the advantage of the settlers, and with the certainty of their attaining a position in a few years which will enable them to return the money advanced to them.

All which we humbly submit for your Majesty's gracious consideration.

LOTHIAN.

CHARLES TUPPER.

JOHN MUIR.

JAMES KING.

THOMAS SKINNER.

J. G. COLMER,
Interim Secretary,
February 7, 1891.

APPENDIX A.

EXTRACT from the REPORT of the AGENT of the BOARD on the KILLARNEY SETTLEMENT.

" *Crops*.—Are very good, wheat short in straw; heads are large and well filled. Oats a good average crop. Potatoes a good crop.

" *Hay*.—Is always scarce in this part of Manitoba as compared with other localities. The Crofters will have ample for their stock with the wheat and oat straw they have.

" *Harvesting*.—Has to a certain extent been retarded by the frequent rain showers, which have done some damage to grain and hay not stacked.

" *Stock*.—All stock is looking well, and generally comprises, in each family, oxen, cows, steers, heifers, pigs, sheep, and chickens.

" *Stables*.—Of logs or turf are to be seen built, or in the course of erection; most of the log stables are well put up.

" *Granaries*.—Some are complete, others are being built of logs with board flooring.

" *Houses*.—In many cases have been improved by the addition of log or lumber porches.

" *Schools*.—I had the pleasure of meeting two school teachers, and was gratified to note the progress made by the Crofter children.

" *Churches*.—Services are held in the school house. Mr. K. A. Gollan, Presbyterian missionary, preaches in Gaelic every Sunday and Wednesday.

" *Farm Implements*.—Many of the Crofters have purchased expensive machinery, such as seeders, mowers, rakes, harrows, ploughs, and binders. I remonstrated with them strongly for incurring such weighty obligations, and pointed out that a binder should cut at least four Crofters' grain, and that a mower, rake seeder, and harrow, should serve the same number of crofter families.

"The advantage of locating Crofters amongst practical farmers has fully demonstrated itself in the case of these Crofters. Their work in ploughing the area they have under cultivation shows that the example set them by earlier settlers has not been in vain. Their present sound financial position also indicates that the Crofters have taken advantage of the work offered them by their more advanced neighbours. While in Killarney I heard of farmers who offered \$30 to \$40 a month and board for a good farm hand. It is generally understood that young Crofters are good workers and they are therefore in great demand."

APPENDIX B.

EXTRACT from the REPORT of the AGENT of the BOARD on the SALTCOATS SETTLEMENT.

" *Crops*.—I cannot speak too highly of the wheat and oat crops. I measured some wheat which stood 5 feet 8 inches high; oats 5 feet 6 inches. Heads very large and full. Potatoes, where properly attended to, are very good. On only two farms have gophers done any damage. (No. 36 and 32.)

"Owing to Crofters not having their crops fenced cattle have done some damage. In many instances seed was sown too thick, and again when ripe allowed to stand too long. This was owing in some cases to heads of families being away working, and to others waiting for the binder they had engaged to cut the grain.

"Those crops cut with the sickle are very good. Potato crops would have yielded more if hoed up oftener; in many cases they were sown too thickly. I took particular pains to show crofters how they should plant their potatoes and sow their grain, but it is very difficult to get them to relinquish their mode of farming.

" *Improvements*.—The small amount of acreage under cultivation, and breaking ready for 1891, is accounted for by heads of families and young men going away to work. Those who did not leave their farms have made more improvements on them. They have earned money by breaking land for new settlers and by the sale of wood. Crofters were also anxious to see a crop harvested before breaking more land; their impressions of last year were not encouraging to them, and I had great difficulty to get the amount we have ready for 1891. This year's crop has made hopeful North-West farmers of them all.

" *Hay*.—No scarcity, every Crofter has a supply in addition to his supply of straw.

" *Harvesting*.—Some damage has been done by rain to grain crops and hay not stacked in time.

" *Stock*.—Is in good condition.

" *Stables*.—In many instances Crofters have enlarged last year's stables, or built new ones of sod and poles.

" *Houses*.—I have not made any remarks about houses (other than additions to those furnished), as the Board has this information already. All houses will be warm and comfortable for the winter.

" *Schools*.—School is open in the 'Eden' district, and is held in No. 80, Torlach McSween's house, until school house is built, which will be as soon as snow falls, when logs can be drawn to school site.

I have in my possession \$200.00, sent me by his Honour the Lieutenant-Governor of the North-West Territories, towards building the school houses in 'Tupper' and 'Eden' districts. Mr. McLeay, from Stornoway, Scotland, is the teacher. He was sent to me by the Reverend Dr. Bryce, of Winnipeg. The Presbytery of Manitoba pay that portion of his salary (25 per cent.) not paid by the local government. The Rev. Dr. Robertson, superintendent of Presbyterian Missions for Canada, gave me permission when last in Winnipeg, to purchase what school books I required. This I have done. I am told it is the intention of the presbytery to carry out the suggestions made by Mr. A. M. Burgess, Deputy Minister of the Interior, that the Crofter missionary should teach the 'Tupper' school. Under the present arrangements the Crofters do not pay school taxes.

"*Church*.—Is held every two weeks in the colony of 'Lothian' by Mr. McMillan, presbyterian missionary, who preaches in Gaelic.

"*Implements*.—Harrows, mowers, and rakes, have been bought by several Crofters in partnership. I have endeavoured to persuade them from purchasing, but to no effect.

"*Crofters leaving Colony*.—When asked why they were leaving, some would answer, 'Can make a better living than by farming.' Others, 'We cannot starve, you will not give us provisions, so we must leave and earn money.' I pointed out to them that it was not necessary to leave the farm for good, they could go away leaving their families, returning in the fall in time for harvest, but my argument was lost; I would respectfully suggest, if it is the intention of the Board to send out more Crofters, and they are to be fitted out in the same way, and arrive under similar circumstances the Crofters of 1889 did, the advisability of increasing the grant to \$900.00, for in my humble opinion it is a mistake to allow Crofters to leave their farms the first 18 months, for it is in that time a home is made, which if you wanted them to leave they would not.

"In conclusion I beg to state that it would be hard to find a more contented class of farmers than the crofters of 'Lothian' colony, all are well satisfied with the country, climate, and future prospects."

APPENDIX C.

EXTRACT from a letter from Mr. JOHN SPEIR, of NEWTON FARM, near GLASGOW, dated December 8th, 1890.

KILLARNEY CROFTERS, settled in 1888.

"Dougal and Donald McKenzie, from Harris, have each 160 acres, and between them they had eight acres of wheat, which yielded 11 bushels to the acre in 1889, while this year they had 40 acres, from which they expected to thresh 30 to 33 bushels per acre, and it looked like doing so.

"Roderick McKay, who has his father with him, had about the same in crop. Mackay had 11 head of cattle, 2 pigs, and 20 hens. Both the McKenzies and the McKays said that they were pleased they had come out, and that they would have no hesitation in inviting their friends to do so if they got the chance. They and several others complained that 160 acres was too little, and that the Home Government should intercede with the Canadian Government in order that they might get another 160 acres.

"Donald Stewart, who had been with Lord Dunmore at Port Augustus, had one son working with him, and had taken up land in 1888 or 1889. He had 10 acres in crop in 1888 and 53 acres this year, and had 28 acres more broken for next year. He had 8 cows and 12 young cattle, 1 team of oxen, 1 horse, 10 young pigs, and 60 hens. The extra milk Mrs. Stewart made into butter. Mrs. Stewart had taken very badly to the place the first year, but now likes it very much, and both were in high spirits.

"Donald McDonald and other four brothers live with their father and mother. The old man was not at home and Donald was not very communicative. One brother had died of consumption and one was working on the railway. They had 12 head of cattle, but I could not learn what area in crop.

"Other two McDonalds near appeared hard working fellows. They had recently finished the building of a dairy, and were hard at work on a granary, and had made good work of both. Their crops were in the stack and looked well, and they were in high spirits over the prospects of their farm. They had also a few turnips.

Saltcoats Crofters, settled in 1889.

"Donald McIver came out with the Moosomin Crofters, got married last year and settled here. He has 10 acres in crop this year and 20 more ready for next year. He has 40 head of cattle, half of which are cows. The whole season's make of butter he has stored in his cellar. He said if he was home he would preach to all to come out.

"Donald Grahame had been 10 years with Hudson Bay Company, then 14 years at home, and latterly came out in 1889. Owing to the drought, the crop of 1889 had turned out very poor, and Grahame had been writing home to his friends very bad accounts of the country. He, however, was now quite satisfied that the land was all right, but both he and McIver complained of the people in Saltcoats taking undue advantage of them when they tried to sell their firewood. On inquiry later on in other quarters, I found Grahame was rather untruthful, that his loads of wood were never a

cord, and that he would always persist in having the price of a cord, but would only sell by the load. He complained of want of outside work, but my driver told me the railway company had sent him round to say that work could be got on the railway, but that only one turned out. He also complained of the Government supplies being stopped too soon, and of the cost of the groceries bought in Saltcoats. On investigation later on I found there was almost no foundation for these complaints.

"Alexander Young and Alexander Mitchell live quite close together. Both said they now felt satisfied with their farms, but that the summer previous very little would have made them leave. Young said he would now have no hesitation in advising his friends to come out.

"Robert McKay, from Stornoway, had 11 acres in crop this year, and 20 acres more ready for next year, and at my visit he expected to be able to prepare other 20 acres. He had been working on the railway during the summer, instead of on his farm. He had taken a pre-emption of the next 160 acres, and had some complaints regarding what he had been charged, also that he had been charged \$30 or \$40 for goods he says he never received, and which he refuses to pay. Several others had the same complaints to make, but on inquiry regarding this matter at Mr. Burgess, of Ottawa, I found that he was likely to be wrong, and that the point in dispute could be definitely proved at any time. He complains of the houses, the half share in the waggon, and that he had signed the account note saying that all the accounts were correct, because he knew if he did not do so he would get no seed.

"Norman McAuly, from Stornoway, had 10 acres in crop this year, but only four acres broken in extra for next year. He had been working all summer for a large English farmer near. He, like all the others, said he would not go back on any account, and that wild horses could not draw him back. He complained of paying the passage out of a boy and young woman in order to get the Government assistance, and that the former left him soon after and that the latter got married, and although he had applied to both he could get no money from either.

"Kenneth McIver said he was not at all pleased with the country in 1889, but that he was well pleased with it now, and thinks all his people should come out, and says he has written them to that effect. He had been working during the past winter at the lumber trade on Lake Winnipeg, and that he had written a brother of his near Winnipeg to come to Saltcoats. He had eight of a family still living, but one girl was in the hospital at Winnipeg. He said the Government had done well to them, but, like the others, had a string of minor and ill-substantial complaints. He has 12 head of cattle.

"Malcolm McDonald was working on the railway when I called. His wife showed us the crop of grain and potatoes, both of which looked well. She could speak very little English, but said she liked the country well, felt no inconvenience during winter, and that she would not like to go back to Scotland.

"Donald McDonald with several of the others mentioned that he liked the country because he now got his sleep regular, whereas when he was at the fishing he did not. He did not consider the winters any more severe than those of Stornoway, and was in good spirits over his prospects, and said he would like very much to get his brother, mother, and two sisters to come out, as there were much better prospects for them in Manitoba than the Highlands. He had one team of oxen, two cows, one heifer, one calf, but no hens.

"Charles Docherty has 12 acres under crop this year and expects to have 20 acres next year. His grain was all in stack and looked good, as were also his potatoes. He has 12 head of cattle, fully half of which are young ones. When asked if he would like to go back he said he would require to be dragged by ropes before he would go.

"Alexander McDonald was from home, but on inquiry of a son as to the crops, he showed us his grain and potatoes, both of which looked well. The boy said he liked the country well enough and was not afraid of the frost.

"All the others much similar."

EXTRACT from a LETTER on the CROFTER SETTLEMENTS in CANADA, by GEO. BROWN,
British Farmers' Delegate for the North of Scotland.

Saltcoats.

"In accordance with the request of Mr. Thos. Gahame, I send you the following notes of interviews held at different places and at various times with Crofters settled in Canada:—

"1. D. Grahame, an old Hudson Bay man, came out to this country for the second time a year and a half ago, as one of the Government emigration Crofters, says:—'I have to complain of great hardship the first year, because the crops did not grow, owing to the want of rain, and I could not get work at all. I wrote home to my friends that no one should leave the old country and come here. When the harvest this year was over, which is a very good one, I am better pleased with the place and would not return home on any condition. I have to complain of the charges the people of this country made for their goods. I have also to complain that the rations were stopped too soon.'

"Note.—On cross-examination, find this man had been offered work on the railway and refused it, preferring to occupy his spare time drawing firewood to Saltcoats.

"2. Robert McKay, Stornoway, Government emigration Crofter, says:—'I have 11 acres under crop this year and will have other 20 acres broken for 1891. I worked on the railway during

‘ winter, and got 5s. per day. I think my land not fit for cattle, as the water is very scarce. I did not like the country last year as we had no crop owing to the drought, but this year I think a great deal better of it.’

‘ I am quite satisfied with everything done by the people and Government at home. When we got to Halifax we began to get trouble. I think I was charged 30 dollars too much for the things bought, and I am not pleased with only having the half of a waggon, as my neighbour and me often want it the same day. I would rather have a cow less and get a whole waggon. I would have no hesitation in telling my friends in the ‘old country to come here and would not leave here for anything.’

“ 3. Charles Docherty, North-West Government emigration Crofter, says:—‘ I have 12 acres under crop this year, and planted 10 bushels of potatoes. I have had a good crop of wheat and 160 bushels potatoes, besides what my family ate from June to September. I have 12 head of cattle, including my work oxen. I expect to have 20 acres under crop next year. I had no money. I would not leave this country unless I am dragged from it by ropes. I was not pleased last year.’

‘ Saw Charles Docherty and Alex. McDonald’s sons in a potato patch, who, upon inquiry, said they were much better pleased with the prospects before them in this country than at home, and that all their family were of the same mind. Alex. McDonald’s wife gave expression to like remarks.

“ 4. Alex. McDonald, North-West Government emigration Crofter, says:—‘ I have 12 acres under crop, and expect to put in about 10 acres more next year. I have nine head of cattle, and nine of a family. My family are all healthy. I have a school near, which is being built. We have a service every other week. I am very well pleased with the country, and would not leave it, as I think it the best place in the world for a man with a family.’

‘ Note.—When asked what he thought of the 18 families who left their homesteads, he replied, ‘ I believe they made a mistake owing to the bad crop the first year. They will regret it all their lives. I think they were misled by a man named Murray.’

“ 5. M. McDonald, North-West Government emigration Crofter:—‘ I have eight acres under crop this year, and four acres broken for next year. I did not like the country last year, but I am very well pleased with it this year. I worked for the railway and made 83 dollars in three months. This money kept my family and me all the winter. I wish all my friends to come out here. I would not go back to live in the old country. I have written for my mother and brother and two sisters to come here if they can get the money. I think they will come; anyway, I wish no better place.’

“ 6. Kenneth McIvor, Government emigration Crofter:—‘ I have 12 acres under crop this year, and expect to have 20 acres more next year. I have 11 of a family, one being a girl of 16 years, who is lying just now in the hospital at Winnipeg, nearly blind. I like this country, and think all my friends ought to come out here. On writing home last year I was much displeased with the place, because the first crop failed, and I was not very well acquainted with the place. I have now written for them to come out, and to a brother in Winnipeg to come here. I have to complain of things being very dear here, and of the doctor at Greenock who examined us. He kept us all on deck for a long time when the night was very cold.’

‘ Note.—The foregoing will serve to indicate the present position and prospects of the Crofters settled at Saltcoats. These were all taken out under the Government emigration scheme. I have no hesitation in saying that those who have taken up their homesteads are infinitely better placed, more comfortable, with better prospects for the future than ever could be their lot if they had remained at home.

‘ This I know, from having a thorough knowledge of the Crofter character, and while acting along with the “ Crofter Commissioners,” I obtained sufficient information to enable me to judge the future and present position and prospects of the home Crofter. I do not consider any enlargement of holdings or migration at home would put the Crofter or his family in such an independent position as he could attain in a few years in Canada, provided he exercised a moderate amount of energy and thrift. Anyone conversant with Crofters must be quite aware that where one leads all or many follow, and when Crofters get in a body together they frequently prove unreasonable and will not be guided, while taken singly or in small numbers they generally not only prove reasonable, but are grateful for any advice or assistance they may receive. I would, therefore, infer that in any future emigration carried out by the Government—as I cannot see, keeping in view the poverty of the Crofter population, how emigration can be carried out without assistance to a very considerable extent—that the number of families sent out at any one time ought not to exceed 20 families, and that these ought to be located beside homesteads of some years’ duration, so that the examples always before the new comers may induce them to set to work and make a living. There is another matter which ought to be taken in consideration, namely, the fact that all those Crofters who have taken up their homesteads are in every case satisfied with the country, and, taking into account the short time they have been settled, fairly prosperous. This will tend to increase emigration, as letters from these Crofters to their friends at home will be a very powerful factor in the near future in increasing the tide of emigration, provided the means for transport and implements are forthcoming.

"With respect to the 18 families who left their homesteads, it seems their crops of the first year proved a failure, owing to a long continued drought, which told more upon the newly broken-up prairie land than elsewhere where the soil had been under cultivation for some years. While on this point, I may say a material saving might be effected if emigrants were taken out during the month of September. They would have time to break up enough land to seed down the succeeding spring to enable them to tide over with rations for a year instead of 18 or 20 months. There is also the fact of interested parties working upon their ignorance. These are sufficient reasons to account for the action taken by these families.

These 18 families would not take the locations selected for them near the others, but went in a body to the Leech Lake district and selected the location for themselves, thinking they were better judges of land than the officials in charge of them. Some of the land was odd numbered sections, and consequently the property of the Manitoba and North-Western Railway Company, who gave the sections up to the Government so that the Crofters would be allowed to homestead them. Thirteen families have left from this location of their own selection.

"Lord Aberdeen, in a speech delivered at Winnipeg, in October last, proves that the Crofters located at Lake Pelican or Killarney have been most successful, and are in a fair way of becoming prosperous. I give a few instances of those and Crofters sent out by Lady Cathcart, selected at random.

"D. McKenzie, Harris, began life with a team of oxen, cow, and calf, and settled down on 160 acres of land. In the first year, 1888, he broke eight acres, and in 1890 had 40 acres under crop. His cattle have done well, and he keeps his house with the produce of his dairy and poultry. He does not consider the winter so severe as in the old country. He would not leave Canada, even although he could get the same amount of land to farm in the old country as he has in this. He has a good school and church near his homestead.

"D. Stewart, Fort Augustus.

"Interviewed Mrs. Stewart who, said :—

'I did not like the country at first, as I felt it very lonely, as there were no neighbours; but I have got over that, and would not now leave it for anything, because we are more independent and have always the best of living, and we are making a little money. I have four of a family, which we mean to do well by. We have 70 acres under wheat, besides potatoes; we have also eight cows in calf, and six cows giving milk, and a litter of young pigs. I do not find the winter colder than in the old country, because the weather does not change. I get 5d. a dozen for eggs, and 9d. a pound for butter. This is the grandest country under the sun for rearing stock and poultry, as a heifer will have a calf when 18 months old.

"McKinnon South Uist came six years ago. 'I had no money to begin. My crop this year will be about 2,000 bushels wheat. I sold 18 or 20 cattle this year, and have 40 on hand yet. I bought two horses for \$250. I like the country very well.'

"*Note.*—Many other instances may be given of what men with a moderate amount of brains and energy can do when settled in Canada."

GEO. BROWN.

KILLARNEY CROFTERS—continued.

No.	Heads of Families.	Younger Members.	Acres under Cultivation.			Hay cut.	Total Acres under Cultivation.	Breaking for 1891.	Grand Total for 1891.	Live Stock on Farms.									Acres fenced.	Additional Implements acquired by Crofters.					Remarks.	
			Wheat.	Oats.	Potatoes.					Oxen.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Pigs.	Sheep.	Ducks.		Horses.	Mower.	Rake.	Binder.	Seeder.		Harrow.
17	John G. McKenzie	-	40	3	$\frac{1}{2}$	43 $\frac{1}{2}$	20	63 $\frac{1}{2}$	3	2	-	2	-	37	-	-	-	-	17	1 ¹	1 ¹	1 ¹	-	-	-	1 With No. 8, John McKenzie. Crop affected by hail. Has house. Purchased cow himself.
18	William McDonald	-	38	7	$\frac{1}{2}$	45 $\frac{1}{2}$	14	59 $\frac{1}{2}$	2	1	1	-	-	50	-	-	-	-	45	1 ²	1 ²	1 ²	-	-	-	2 With Angus Graham. Has built a new house. Away working.
19	Murdo Graham	-	35 $\frac{1}{2}$	2	$\frac{1}{4}$	37 $\frac{3}{4}$	8	49 $\frac{3}{4}$	2	1	1	1	-	25	-	-	-	-	-	1 ³	1 ³	1 ³	-	-	-	3 With No. 7 (John Campbell). Log house.
21	Norman McKenzie	-	28	2	$\frac{1}{4}$	30 $\frac{1}{4}$	18	48 $\frac{1}{4}$	2	2	2	1	-	30	-	-	-	-	-	-	-	-	-	-	-	Has shanty. Purchased cow.
22	John McDonald, jun.	-	5	-	-	5	26	31	-	-	-	-	-	-	2	-	-	-	-	-	-	1	1	1	1	Has shanty. Purchased cow. Has sleigh.
23	John McDonald, sen.	-	35	2	$\frac{1}{2}$	37 $\frac{1}{2}$	12	49 $\frac{1}{2}$	2	2	2	2	-	33	3	1	-	-	12	1	1	1	-	-	-	Has purchased plough and stove and live stock.
24	Angus McLeod	-	45	3	$\frac{1}{4}$	48 $\frac{1}{4}$	20	68 $\frac{1}{4}$	2	2	-	2	-	30	8	-	-	-	3	1 ⁴	1 ⁴	1 ⁵	-	-	-	4 With Alex. Morrison. 5 With No. 29 (D. McKenzie). Has purchased plough and log shanty and stock.
25	Angus Morrison	-	18	-	-	18	-	18	2	1	1	-	1	-	-	-	-	-	-	-	-	-	-	-	1	Has purchased plough. Building shanty. Has bought yoke of oxen.
26	Donald McKinnon	-	45	5	$\frac{1}{4}$	50 $\frac{1}{4}$	37 $\frac{1}{4}$	87 $\frac{3}{4}$	2	3	2	2	-	40	5	-	-	-	-	-	-	-	1	1	1	6 With Kenneth and John. Has log shanty and has purchased stove, plough and live stock.
27	Donald Stewart	-	60	10	$\frac{1}{2}$	70 $\frac{1}{2}$	30	100 $\frac{1}{2}$	2	6	2	6	-	50	4	-	-	1	10	1	1	1	-	-	-	Has log shanty and has purchased oxen. Has buggy and cutter.
28	Ronald McKay	-	40	2	$\frac{1}{2}$	42	25	67	2	3	-	3	-	25	1	-	-	-	10	1	1	1	1	1	1	Says he can pay for implements he got in two years time if he gets another crop like this year's.

KILLARNEY CROFTERS—continued.

No.	Heads of Families.	Younger Members.	Acres under Cultivation.			Hay cut. Tons.	Total Acres under Cultivation.	Breaking for 1891.	Grand Total for 1891.	Live Stock on Farms.									Additional Implements acquired by Crofters.					Remarks.		
			Wheat.	Oats.	Potatoes.					Oxen.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Pigs.	Sheep.	Ducks.	Horses.	Acres fenced.	Mower.	Rake.	Blinder.		Seeder.	Harrow.
29	Dugald McKenzie	-	35	2	1	23	37½	12	49½	2	2	3	1	-	20	-	-	-	-	-	1 ¹	1 ²	1 ²	1 ²	1 ²	1 With John McKay. 2 With No. 24, Angus McLeod. Has sleigh. Has log shanty and well, and has purchased plough and yoke of oxen. Has log shanty and well, and has purchased plough and yoke of oxen. Is building shanty and has purchased stock. Annie Shaw married and paid No. 30 \$12 on account of passage money.
30	Roderick McKay	-	36	1½	1	12	37½	7	44½	2	3	3	3	-	15	2	-	-	-	20	-	-	-	-	-	
31	Bannatyne McKinnon	John McKay (father)	5½	-	-	-	5½	9	14½	-	-	-	-	1	12	-	-	-	-	-	-	-	-	-	-	Has house, stable, and well. Sowed wheat by hand. Bought second-hand harrow. Has sleigh, two ploughs, stubble and breaker.
32	Kenneth McLeod	Kenneth McMillan	43	2	-	10	45	23	68	2	1	1	1	1	30	-	-	-	-	15	-	-	1	-	-	
33	John Fraser	-	32	-	1	16	32½	18	50½	2	3	3	2	-	-	-	-	-	-	-	-	-	-	-	-	
		-	30	-	1	14	30½	13	43½	2	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
		Donald Fraser (son)	5	-	-	-	5	15	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
SUMMARY:—																										
	Heads of Families	-	1,121½	64	9½	518	1,194½	487½	1,628½	61	56	45	36	3	813	33	6	3	1	-	-	-	-	-	-	
	Young men	-	225½	10	-	-	235½	371½	606½	20	6	5	1	2	-	-	-	-	-	-	-	-	-	-	-	
	Total	-	1,346½	74	9½	518	1,430	859	2,235	81	62	50	37	5	813	33	6	3	1	-	-	-	-	-	-	

NOTE.—In the Killarney Settlement various crofters have acquired 24 oxen, 25 cows, and one horse, in addition to the stock (and its natural increase) originally supplied to them.

SALTCOATS CROFTERS.

No.	Heads of Families.	Younger Members.	Acres under Cultivation.			Total Acres under Cultivation.	Breaking for 1891.	Grand Total for 1891.	Live Stock on Farms.						Acres fenced.	Additional Implements acquired by Crofters.				Remarks.
			Wheat.	Oats.	Potatoes.				Oxen.	Cows.	Heifers.	Steers.	Bulls.	Chickens.		Mower.	Rake.	Binder.	Harrow.	
1	John McAuley	-	Left colony.	-	-	24	7	20 $\frac{1}{2}$	2	1	1	-	-	3	-	-	-	-	-	Kraal for cattle with No. 7. Is well pleased.
2	Kenneth McIver	-	8	5	$\frac{1}{2}$	-	-	-	2	2	-	-	-	-	-	-	-	-	-	Has No. 8's oxen, cow, plough, harness, and wagon. Also cow returned by No. 45, for which he wants to give a lien.
3	Donald Montgomery	-	Left colony.	-	-	12	-	-	1	2	1	-	1	3	-	-	-	-	-	Potatoes destroyed by cattle. Five in family, all young. At present living in No. 18's house.
4	Catherine McDonald.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Wants to change. Has No. 34's ox and a cart. Colin McIver, who came out with the family, does not help.
5	Malcolm McKay	-	3	5	$\frac{1}{2}$	25	10	18 $\frac{1}{2}$	2	2	1	1	1	15	8	11	11	-	21	¹ With Nos. 40, 37, 32. ² With No. 37. Is giving a lien for No. 13 heifer calf, \$15. No. 21 oxen, harrows, and wagon, also No. 9 cow. Now earning \$2 25c. a day on railway construction.
6	Donald Morrison	-	2	4	$\frac{1}{2}$	12	3	9 $\frac{1}{2}$	2	1	1	1	-	15	9	-	-	-	-	Kraal with No. 2. Earning \$4 a day with oxen freighting lumber for railway.
7	Norman McAuley	-	4	4	$\frac{1}{2}$	10	4	12 $\frac{1}{2}$	2	1	1	-	-	5	-	-	-	-	-	Earning \$4 a day when hauling. Has plough, wagon, harness, stove. Borrowed implements. Likes country well; would not return to Scotland. Brother Ronald wants to get cow and give lien. Wife in insane asylum, Selkirk.
8	Norman McKae	-	Left colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Kraal good. ³ With Nos. 12 and 25. Likes country very well. At present freighting for the railway at \$4 a day.
9	John McAuley	-	Left colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Wants to give lien for the following:—No. 41, oxen, harness, and plough, wagon and cow, and No. 48 cow.
10	Donald McDonald	-	14	-	$\frac{1}{4}$	12	14	28 $\frac{1}{4}$	2	1	-	-	-	-	-	-	-	-	-	⁴ With Nos. 11 and 25. Very well pleased with country and future prospects. Has been earning \$3 to \$4 a day, every fourth day, freighting lumber for railway. Work ended 9th October. Has No. 3's cow. Son earning \$6 per month. Daughter earning \$3 per month. Has No. 13's two-year-old bull, which he wants to purchase.
11	Charles Docherty	-	6	6	$\frac{3}{4}$	40	10	22 $\frac{1}{4}$	2	2	1	1	1	20	-	31	31	-	1	
12	Alexr. McDonald	-	-	-	-	-	3	3	2	2	-	-	-	-	-	41	41	-	1	
13	Malcolm McLeod	-	Left colony.	-	-	25	5	16 $\frac{1}{2}$	2	3	1	1	-	32	-	-	-	-	-	

SALTCOATS CROFTERS—continued.

No.	Heads of Families.	Younger Members.	Acres under Cultivation.			Hay cut.	Total Acres under Cultivation.	Breaking for 1891.	Grand Total for 1891.	Live Stock on Farms.						Acres fenced.	Additional Imple-ments acquired by Crofters.				Remarks.
			Wheat.	Oats.	Potatoes.					Oxen.	Cows.	Heifers.	Steers.	Bulls.	Chickens.		Mower.	Rake.	Binder.	Harrow.	
14	Donald Graham	-	6	7	$\frac{1}{2}$	20	13 $\frac{1}{2}$	8	21 $\frac{1}{4}$	2	1	2	1	-	5	-	-	-	-	-	Kraal with No. 28. Likes country very well; would not return. Cannot leave farm to go to work. Family too young to assist. Has charge of No. 33 cow.
15	Angus Smith	-	-	-	$\frac{1}{4}$	20	$\frac{1}{2}$	-	$\frac{1}{4}$	2	2	1	2	-	-	-	-	-	-	1	Away all summer working. Reaped crop with sickle.
16	Alex. McLean	Alex. McLean	5	3	$\frac{1}{4}$	16	8 $\frac{1}{2}$	6	14 $\frac{5}{8}$	2	1	1	1	-	16	-	-	-	-	-	No. 61, Alex. McLean, away working on Lake Manitoba. Given No. 13 cow and steer calf. No. 98, Murdo McLean working with a farmer earning \$6 a month.
17	John McLean	-	7	3	$\frac{1}{2}$	55	10 $\frac{3}{4}$	10	20 $\frac{3}{4}$	2	1	2	2	-	8	1	1	1 1	-	1	With No. 47. With No. 16. Well satisfied with country, climate, and surroundings. No. 62, Angus McLeod, away working. No. 63, John McLeod, away working. No. 17 has 21 $\frac{1}{2}$ two cows, for which he wishes to give lien. Ploughed 5 acres for Canada Settlers Loan Company, earning \$3 50c. an acre.
18	Duncan McLeod	-	Left colony.	-	$\frac{1}{4}$	10	-	-	$\frac{1}{4}$	2	1	1	-	-	-	-	-	-	-	-	Wants to change for 23 homestead. No. 65, Norman McKay, away working. Does not send any money.
19	Margaret McKay	-	-	-	-	-	-	-	$\frac{1}{4}$	-	-	-	-	-	-	-	-	-	-	-	Has been away working all summer at \$1 50c. per day, returning 7th October.
20	Kenneth Murray	-	1	-	$\frac{1}{4}$	10	1 $\frac{1}{4}$	5	6 $\frac{1}{4}$	2	1	1	-	-	5	-	-	-	-	-	Kraal. Well satisfied with country and future prospects.
21	Finlay McLean	-	Left colony.	-	$\frac{1}{2}$	18	8 $\frac{1}{2}$	5	13 $\frac{1}{2}$	2	1	-	1	-	-	-	-	-	-	-	Has No. 18 cow.
22	Alex. Mitchell	-	3	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Annie McLeod in service at Gladstone. Poor settler. Suffering from incurable disease.
23	Donald McLeod	-	Left colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Ploughed five acres for Canada Settlers' Loan and Savings Company, earning \$3 50c. per acre.
24	Malcolm McDonald	-	3	3	$\frac{1}{4}$	12	6 $\frac{1}{2}$	5	11 $\frac{1}{2}$	2	2	1	1	-	-	-	-	-	-	-	With Nos. 11 and 12. Quarter acre in barley. Has broken five acres for Loan Co., at \$3 50c. Earning money working with neighbours. Good settler. Well contented.
25	Donald McDonald	-	4	5	$\frac{1}{2}$	25	9 $\frac{1}{2}$	6	15 $\frac{1}{2}$	2	2	1	1	-	12	6	3 1	3 1	-	-	Has No. 1's oxen, cow, waggon, harness, and plough. Away working since early last spring. Wife says he will be back 15th October, to get land ready for next spring.
26	Angus McKay	-	-	-	-	10	$\frac{1}{4}$	3	3 $\frac{1}{4}$	2	2	1	1	-	3	-	-	-	-	-	

SALTCOATS CROFTERS--continued.

No.	Heads of Families.	Younger Members.	Acres under Cultivation.			Hay cut.	Total Acres under Cultivation.	Breaking for 1891.	Grand Total for 1891.	Live Stock on Farms.						Acres fenced.	Additional Imple-ments acquired by Crofters.				Remarks.
			Wheat.	Oats.	Potatoes.					Oxen.	Cows.	Heifers.	Steers.	Ells.	Chickens.		Mower.	Rake.	Blinder.	Harrow.	
27	Malcolm McLeod (Wapella).	-	-	-	-	20	-	-	18½	2	3	1	1	-	6	-	-	-	-	-	-
28	Robt. McKay	-	3	7	1	20	10½	8	-	2	3	1	1	-	6	-	-	1	-	1	Kraal with No. 14. Seems well satisfied with country. Has good crop. Returned early this spring from railway, where he had been working all winter. Says he will have everything under fence next year, as cattle have done a great deal of damage to crop.
29	Alex. Murray	-	Left colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
30	Alex. Morrison	-	Left colony.	-	-	-	-	-	7½	2	3	1	2	-	7	-	-	-	-	-	-
31	Donald Morrison	-	2	3	½	12	5½	2	-	2	3	1	2	-	7	-	-	-	-	-	Kraal. Is well satisfied with country and climate. Has been away working from May to 15th August. Suffering from sore eyes.
32	John McKay	Malcolm McKay	4	7	1	25	12	12	24	2	2	1	1	-	15	-	11	11	-	-	With Nos. 5 and 37. Has harness, plough, whiffletrees, and oxen from No. 18, and cow from No. 29. At present working on railway, earning \$2 50c. per day. Good worker.
33	John McKay, jun.	-	Left colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Ploughed five acres.
34	John McKay, sen.	-	Left colony.	-	-	-	-	-	11½	2	1	1	-	-	5	-	-	-	-	-	Earning \$2 25c. a day on railway. Lent No. 18's cow.
35	Peter Morrison	-	1	5	½	15	6½	5	-	2	1	1	-	-	-	-	-	-	-	-	Kraal. At present working on railway, earning \$2 25 c. a day. Crop damaged by gophers. Mother wants to enter for the N. W. 10. 25. 2., and be given No. 8 cow; will also take a half share in waggon son had with No. 40, No. 40 having a half share with his brother, No. 80.
36	Donald McDonald	-	3	6	1	22	10	16	20	2	1	-	-	-	20	-	-	-	-	-	Alex. wants S. E. 15. 25. 2. W. 2., and give lien for the following stock:--No. 9 cow, No. 23 harness and oxen; also wants a plough.
-	-	Alex. McDonald	-	-	-	-	-	-	-	2	1	-	-	-	-	-	-	-	-	-	With Nos. 5, 32, and 40; with No. 5. Earning \$2 25c. per day on railway. Has No. 30 cow and calf.
37	Roderick McKay	Mary McDonald	2	4	1	15	6½	6	12½	2	1	1	-	-	10	-	-	11	1	1	Improvements; five acres of ploughing; good well and stable.
38	Murdo McSween	-	Left colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Earning \$2 25 c. per day on railway. Is well satisfied with country and future prospects. Family weaves cloths, blankets, and yarn; always in demand. Has charge of No. 23 cow.
39	Ewen McKay	-	3	7	½	17	20½	7	17½	2	1	1	1	-	17	-	-	-	-	-	

SALTCOATS CROFTERS—continued.

No.	Heads of Families.	Younger Members.	Acres under Cultivation.			Hay cut.	Total Acres under Cultivation.	Breaking for 1891.	Grand Total for 1891.	Live Stock on Farms.						Acres fenced.	Additional Imple-ments acquired by Crofters.				Remarks.
			Wheat.	Oats.	Potatoes.					Oxen.	Cows.	Heifers.	Steers.	Bulls.	Chickens.		Mower.	Rake.	Binder.	Harrow.	
40	Neil McSween	-	2½	4	½	12	7	7	14	2	1	2	-	-	7	7	11	11	-	1	With No. 5, 32, and 37. Earning \$3 25c. per day on railway. Has No. 18 oxen and harness and waggon, and No. 44 heifer and calf, and No. 38 plough, whiffletrees, and stove.
41	Murdo McDonald	-	Left Colony.	-	-	12	9½	5	14½	2	2	1	1	1	-	-	-	-	-	1	Wife a good worker; sowed seed too thick. Cattle did a great deal of damage to crop.
42	Alex. Young	-	4	5	1½	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	Kraal. Thoroughly understands stock. No. 49 sowed his seed on No. 43 homestead. Has No. 34 cow.
43	Arch. Ferguson	-	5	7	1	30	13	10	23	2	2	1	2	-	31	10	-	-	-	-	Improvements—5 acres of breaking, and sod stable. Improvements—6 acres of breaking, stable and well.
44	Murdo McDonald	-	Left Colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	With No. 17. Kraal.
45	Neil McIver	-	Left Colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	J. McIver has the following, No. 9, oxen; No. 38, cow; No. 18 and 23, waggon. Wants a plough.
46	John McDonald	-	Left Colony.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	At present on Lake Manitoba; returning in November.
47	John McIver	-	4	3	½	20	7½	2	9½	2	2	2	1	-	10	2	11	11	-	-	Improvements—sod stable, and 8 acres of breaking. Left colony for work, after sowing 7½ acres of seed on No. 43 homestead. Returned on 5th October from work; intends to have 10 acres in crop on homestead next year.
48	Kenneth McLeod	-	Left Colony	7	½	12	7½	-	7½	-	1	2	-	-	-	-	-	-	-	-	
49	Donald McLeod	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
SUMMARY:—			105½	120	14½	568	240½	175	415½	59	47	32	24	4	277	102½	8	10	1	10	
Heads of families			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Young men, &c.			-	-	-	-	-	7	7	16	12	3	-	-	-	-	-	-	-	-	
Total			105½	120	14½	568	240½	182	422½	75	59	35	25	4	277	-	8	10	1	10	

NOTE.—In the Saltcoats settlement various crofters have acquired seven cows in addition to the stock (and its natural increase) originally supplied to them.

FAMILIES WHO HAVE LEFT SALTCOATS SETTLEMENT.

No. of Family.	Name of Head of Family.	Total Debt.	Lien given by Head of Family.	Lien given by others in Family.	Total Liens.	Chattel Mortgage.	Improvements.
		\$ c.	\$ c.		\$ c.	\$ c.	
1	John McAuley -	748 18	600 00	- - -	600 00	748 18	Had five acres breaking. Sowed 11 bushels potatoes, neglected and eaten by cattle. Stable. Well.
3	Donald Montgomery.	605 46	600 00	Duncan Martin (52), 157.37.	711 85	493 61	Stable. Well. No breaking. Sowed potatoes on No. 30's land, eaten by Crofters and destroyed by cattle.
8	Norman McRae	808 83	600 00	- - -	600 00	808 83	Well. Stable. Five acres breaking. Potatoes sown by wife, neglected and destroyed by cattle.
9	John McAuley -	755 07	600 00	- - -	600 00	755 07	Stable. Well. Five acres breaking. Potatoes sown, eaten by Crofters and cattle.
13	Malcolm McLeod	724 04	600 00	- - -	600 00	724 04	Two acres breaking. Well. Stable.
18	Duncan McLeod	736 42	600 00	Murdo McLeod (64), 148.39.	748 39	588 03	Stable. Well. Three acres breaking.
21	Finlay McLean -	787 76	600 00	- - -	600 00	787 76	Stable. Well. Five acres breaking.
23	Donald McLeod	751 06	600 00	- - -	600 00	751 06	Stable. Well. Two-and-a-half acres breaking.
29	Alex. Murray -	761 34	600 00	- - -	600 00	761 34	Stable. Well. Nine acres breaking.
30	Alex. Morrison -	361 14	600 00	- - -	600 00	361 14	Stable. Well. Five acres breaking.
33	John McKay, jun.	507 48	600 00	Don. Murray (75), 51.85.	651 85	455 63	Gun, taken away.
34	John McKay, sen.	598 03	600 00	- - -	600 00	—	Stable. Well. Five acres breaking.
38	Murdo MacSween	358 74	584 00	- - -	584 00	—	Well. Stable. Five acres breaking.
41	Murdo Macdonald	804 90	600 00	- - -	600 00	804 90	Five acres ploughing. Stable.
44	Murdo McIver -	638 78	600 00	- - -	600 00	638 78	Share of stable and well.
45	Neil McIver -	702 46	600 00	- - -	600 00	702 46	Well. Stable. Five acres breaking.
46	John McDonald -	417 82	600 00	- - -	600 00	—	Stable. Well. Six acres breaking.
48	Kenneth McLeod	363 22	584 00	- - -	584 00	—	Stable. Eight acres breaking.

COLONIAL REPORTS.—ANNUAL.

No. 5.

NEWFOUNDLAND.

ANNUAL REPORT FOR 1889.

(In continuation of Colonial Report No. 87, Old Series.)

Presented to both Houses of Parliament by Command of Her Majesty.
March 1891.



LONDON:

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,

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1891.

[C.—6269.—4.]

COLONIAL REPORTS.

The following, among other, Reports relating to Her Majesty's Colonial Possessions have been issued, and may be obtained for a few pence from the sources indicated on the title page:—

No.	Colony.	Year.
81	Victoria - - - - -	1888
82	Leeward Islands - - - - -	"
83	Natal (Liquor Traffic) - - - - -	—
84	Hong Kong (Further Report) - - - - -	1889
85	Bahamas (Fibre Industry) - - - - -	—
86	Heligoland - - - - -	1889
87	Newfoundland - - - - -	1888
88	Mauritius, Seychelles, and Rodrigues - - - - -	"
89	Zululand - - - - -	1889
90	Gibraltar - - - - -	"
91	Grenada - - - - -	"
92	Bermuda - - - - -	"
93	St. Vincent - - - - -	1888
94	St. Vincent - - - - -	1889
95	Bahamas - - - - -	"
96	St. Lucia - - - - -	"
97	British Bechuanaland - - - - -	1888-9
98	Turk's and Caicos - - - - -	1889
99	Gambia - - - - -	"
100	Straits Settlements - - - - -	"
101	St. Kitts-Nevis - - - - -	1886
102	Basutoland (Governor's Visit) - - - - -	1890
103	British New Guinea - - - - -	1888-9
104	Natal - - - - -	1889
105	Malta - - - - -	"
106	British Guiana - - - - -	"
107	Barbados - - - - -	"
108	Trinidad and Tobago - - - - -	"
109	Western Australia - - - - -	"
110	Gold Coast (Agriculture) - - - - -	1890
111	Labuan - - - - -	1889
112	Jamaica - - - - -	"
113	Falkland Islands - - - - -	"
114	Basutoland - - - - -	1889-90
115	Sierra Leone - - - - -	1889
116	Fiji - - - - -	"
117	Hong Kong - - - - -	"
118	St. Helena - - - - -	"

NEW SERIES OF COLONIAL REPORTS.—ANNUAL.

1	British Honduras - - - - -	1889
2	Mauritius - - - - -	"
3	British Bechuanaland - - - - -	1889-90
4	Victoria - - - - -	1889

No. 5.

NEWFOUNDLAND.

NEWFOUND-
LAND.

In continuation of No. 87, Old Series.

Sir TERENCE O'BRIEN to LORD KNUTSFORD.

Government House, St. John's, Newfoundland,

MY LORD, January 30, 1891.

I HAVE the honour to forward herewith the annual Blue Book of this Colony for the year 1889, together with the Colonial Secretary's report thereon.

2. A second copy of this Blue Book has been forwarded direct to the Imperial Institute.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Colonel,
Governor.

The Right Hon.

Lord Knutsford, G.C.M.G.

&c.

&c.

&c.

REPORT UPON THE BLUE BOOK OF NEWFOUNDLAND FOR
1889.

Colonial Secretary's Office,
St. John's, Newfoundland,
January 12, 1891.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to forward to you, for transmission to the Right Hon. the Secretary of State for the Colonies and to the Imperial Institute, the Blue Book of the Colony of Newfoundland for the year 1889, in duplicate, which though completed at a somewhat earlier date than that of 1888 is still, I regret, much later than is desirable. I shall continue my efforts to overcome the difficulties which at present retard the compilation of the Blue Book.

Condition of the Colony.

The general condition of the Colony for 1889 can hardly be viewed as satisfactory, though the figures still show a considerable improvement over the years 1887-86-85. The staple industries exhibit but little contraction from the results of 1888; indeed, in the matter of preserved lobsters, seal oil, and cod oil there is quite a satisfactory increase both in production and value. Still the total

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result of the trade shows a decrease from 1889 in the exports of \$459,028, and partial failure of the cod fishery over large sections of the northern coast and Labrador left many thousands of our population in very straitened circumstances.

The great economic evil in the Colony, which has frequently been adverted to, is the want of secondary or alternative employment to ensure to our people a means of living when the primary occupation of the fishery proves unremunerative. And it may be said that under the most favourable circumstances the fishery productions of the country, at least as at present marketed, are quite inadequate to maintain the population in a fair degree of comfort. It is fortunate that under these conditions other industries, such as mining and lumbering, are absorbing a considerable and increasing amount of labour, and though in the return of exports the ore shipped in 1889 appears to be only one half of the value of that produced in 1888, yet the actual output of crude mineral was, if anything, increased, implying a corresponding increase in labour.

Trade.

The trade of the Colony for 1889 may be briefly summed up as follows:—Total imports \$6,607,065, of which \$2,653,152 was from Great Britain, \$2,168,763 from the Colonies, and \$1,785,150 from foreign countries. Showing a decrease from 1888 of \$612,077 in imports from Great Britain, and \$226,649 in imports from the Colonies, and an increase of \$25,391 from foreign countries, making a net decrease of \$813,335. The principal articles of decrease were coffee, flour (62,696 barrels), preserves, molasses (243,420 gallons), oats, kerosene oil, rum, sugar, and tea. Whilst there was an increase in beef (5,375 barrels), butter, chocolate, fruit dried (100,000 lbs.), pork (8,808 barrels), brandy, whiskey, leaf tobacco, potatoes, dried goods (\$88,008).

Revenue and Expenditure.

The total net revenue for 1889, including Customs, Post Office, and Crown lands, was \$1,362,893, against \$1,370,029 for 1888; but there were loans taken up in 1889 for public improvement, such as Placentia Railway and Hall's Bay Railway, and for the payment of a floating debt against the Colony, amounting in all to \$740,100, and making the total revenue \$2,102,993.

The expenditure, however, was in excess of this sum by \$105,742, and made a total of \$2,208,735. A considerable proportion, however, of this large sum may be looked upon as abnormal or extraordinary expenditure, such as that on account of the Bait Protection Service, including maintenance of s.s. "Fiona," \$76,308, Board of Health and quarantine account, \$33,231. On railway survey and work, \$356,713. On the promotion of agriculture, \$33,242. There was also a considerable sum spent in telegraph extension, say, \$15,000, and for opening new roads and

erecting important bridges there was an expenditure of \$15,046. A sum of \$44,090 of debenture debt was also paid off. In reference to the large sum spent on account of Board of Health and quarantine (\$33,231) I have to explain that it was the result of efforts to control a widespread and largely fatal epidemic of diphtheria which was prevalent in St. John's and other Settlements during the year, and an outbreak of small-pox in the district of Harbor Grace. The normal condition of the country may be said to be healthy, and small expenditures are generally sufficient to cope with epidemic diseases. Other expenditures than those above mentioned brought up the total for extraordinary services to \$719,627.

The expenditure for ordinary services aggregate \$1,489,108.99, including \$357,692 the total cost of the civil establishment and legislature, \$118,795 for educational disbursements, \$190,513 interest on public debt, \$190,226 for relief of the poor, \$133,917 for roads, \$157,055 for ocean and coastal steam, \$42,937 for light-house maintenance, &c. Allowing the net income of the Colony for 1889 (exclusive of loans) to have been \$1,330,891, the deficit on the ordinary expenditure (amounting to \$1,489,108) was \$158,217.

The total ordinary expenditure of the Colony is high in proportion to its power of production, but the Government is confronted with the fact of a largely increasing population with a stationary or perhaps decreasing productive area, and it has been the endeavour to utilise the confessedly fine resources of the Colony to the best advantage in its fisheries, its land, its mines, and its forests that has induced the Government in the hope of future benefit to undertake roads, public works, steam and telegraph communication on a scale that would be more than adequate were the necessity for the development of the Colony less exigent. And if this holds good of *ordinary* expenditure, much more is it applicable to the *extraordinary* expenditures. These are made principally for railway extension, encouraging agriculture, home industries, and shipbuilding, and have all the one purpose of opening out wider fields of remunerative industry to our people. The largest of these expenditures for 1889 is that on account of the construction of a line of railway to the Valley of the Exploits or to Hall's Bay, called the Hall's Bay Railway.

Briefly, the following are the circumstances and conditions which led up to this expenditure. Ever since the introduction of Responsible Government, continued efforts had been made to foster and develop the agricultural resources of the country, as a valuable adjunct to the fishery, by extending roads, giving bonuses for land cleared, encouraging the formation of agricultural societies, and so forth; but later, since the commencement of the geological survey it had been pointed out by Mr. Murray, F.R.S., and Mr. Howley, F.G.S., that the best conditions for farming, both of climate and soil, were not to be found near the sea coast, but up the valleys of some of our larger rivers and around the margin of some of the great lakes, and interest was aroused as to the best means of

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opening this country to settlement. As early as 1875 a Bill was passed authorising the loan of a sum of money for the survey of a line of railway that would run north and west, securing the double purpose of opening up the country, and forming that link in the chain of intercontinental communication which had been ably advocated many years before by Mr. Sandford Fleming, C.E., when at his own expense he had caused a cursory survey to be made along the southern part of the Island. (Mr. Bellairs, C.E., 1868.) The survey thus sanctioned by the legislature was undertaken during the summer of 1875, the parties working under direction from Mr. Sandford Fleming; but the estimate given of the cost of the line, say, \$9,000,000, was assumed to be beyond the resources of the Colony, and the matter was allowed to remain in abeyance for some years. Meanwhile the cry for wider outlets for labour became intensified as population increased and foreign competition drove down the price of our staple in our usual markets, and the Government and legislature were compelled to consider measures of relief. A committee of both branches of the legislature reported that they believed that no agency would be so effective for the promotion of this object as a railway, and they added that a narrow gauge road might be constructed at a moderate cost which would be well adapted to the means and circumstances of the Colony. On the recommendation of this committee the Railway Loan Bill of 1880 was unanimously passed, which authorised a loan of \$5,000,000 in amount, not exceeding \$500,000 each year, to be applied to the construction of a railway north to the head of Notre Dame Bay and of branch lines where necessary. A tender was, however, made by Mr. A. Blackman, of New York, and others to build and operate for 38 years for an annual subsidy of \$180,000, and the loan Act of 1880 was repealed and another law passed incorporating the Newfoundland Railway Company, and giving effect to a contract for the construction and operation of the line on the basis of Mr. Blackman's tender. Work was commenced in 1881, and the line constructed as far as Harbor Grace, when the company, being in financial difficulty and the business in the hands of a receiver, was discontinued in 1884. So far as the intention of the legislature was concerned the piece of line completed had little purpose, for it did not reach that part of the country which it was hoped to have been effectual in developing, and in 1888 the feeling of the country in favour of extension influenced the Government to again bring the matter before the legislature, when an Act was passed, entitled "An Act to make provision for the construction of a line of railway to Hall's Bay, and for other purposes." Authorised by this Act, commissioners appointed thereunder, pending the receipt of tenders and the making of a contract for the work, carried out a survey of the line during the summer of 1889, and in the autumn of that year entered upon the construction of the northern line of railway, commencing work at a point connecting with the Newfoundland Railway about sixty miles from St. John's.

These are, concisely, the circumstances under which the Government have entered upon railway work, and on account of which an expedition has been incurred for 1889 of \$356,752.

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The Placentia Railway was finished in 1889, the cost for that year being \$92,000 ; the total cost for the 27 miles, including pier, stations, &c., being \$525,000. This line will not materially aid the development of the country, but offers a ready means of communication with the southern and western districts which will doubtless be the means of aiding and extending trade with those portions of the Colony.

Public Debt.

The public debt was increased from \$3,335,587 in 1888 to \$4,133,202 on 31st December 1889 ; but it is fair to remark that the interest on loans under the Municipal Act, amounting to \$607,000, and under the St. John's Sewerage Act, amounting to \$69,230, is borne by the St. John's Municipal Council.

Agriculture.

Owing to the encouragment given by the Act for the promotion of agriculture passed in 1886 and amended in 1888, by which a bonus of \$12 per acre is allowed for land, not exceeding 5 acres, cleared and fully prepared for cultivation, a large area of land has been reclaimed. In 1888, 1,794 acres were thus broken up, and in 1889 2,679 acres. It is too soon to speak of any effect being produced by the cultivation of this land upon the condition of the people, but there cannot be a question but that it will result most beneficially in the near future. The taking of the census in 1891 will afford a practical test of its value, and it may be safely asserted that without some such provision as that afforded by the above-named Act it would not be possible for such an area of land as that reported to have been brought under cultivation.

The large number of dogs kept in the Colony, especially in the outports, for drawing firewood from the forests, had for many years deterred parties from sheep raising, for which the Colony is held by many to be eminently suitable ; but the statute of 1884, for the preservation of sheep, as amended in 1887, put it in the power of one third of the population of a settlement or district to have a proclamation issued ordering the destruction of dogs in such settlement. Twenty-six proclamations have been issued under this Act, covering large sections of the country, and it is believed that in consequence a great increase has taken place in the number of sheep kept in the Colony. The number of grants of land made during 1889 was 232, with 37,104 acres. The total area granted in the Colony may be said to be 320,000.

NEWFOUND-
LAND.*Lumbering.*

Under this head I am glad to be able to report the prospect of a large development. On the 21st May a company was incorporated with a capital of \$30,000, styled the Exploits Lumbering Company (Limited), which has acquired a number of timber concessions, aggregating about 500 square miles, on the pine lands of the Exploits. A mill fully equipped with all appliances for carrying on an extensive business has been built, and between 200 and 300 men have been set to work cutting logs; quite a little village has sprung up around the mill, and signs of industry and prosperity are manifesting themselves.

A large extent of land in this Colony is covered with small-size timber, such as fir, spruce, birch, and poplar, which, in close connexion with other productions of the country, iron pyrites and lime, and the possession of immense water power, point to the peculiar suitability of the Colony for the establishment of the paper pulp industry. Negotiations have been in progress for the introduction of this business, and the Government have signified their willingness to make large concessions of waste land for this purpose.

Mining.

There are no new developments of great importance to be noted. The mines at Little Bay, which have in the past year furnished the larger proportion of copper export, are now worked at such a depth (1,500 feet) that, with the price of copper now ruling, it is reported to be a question whether work can be much longer carried on there. The quality of the ore is of low per-centage, 7 to 10, and now hardly pays for its production. It will be borne in mind that since the collapse of the copper syndicate the value of copper has dropt about 50 per cent.

The whole of Notre Dame Bay is rich in mineral deposits, and there is no doubt that if the working of Little Bay mines should be discontinued, other openings will be found for the capital at present employed there. The output of iron pyrites from Pilley's Island has largely increased, 7,530 tons having been shipped in 1889 against 1,850 tons in 1888. The export of this mineral is altogether to the United States.

The lead mine at La Manche, by transfer from the Anglo-American Telegraph Company, has been acquired by the Newfoundland Colonization Company, which has put down the necessary plant and will work the mine vigorously and systematically; some of the galena taken from La Manche is rich in silver.

An antimony mine has been discovered near Twillingate, and deposits of asbestos are known to exist in several localities, and these will probably be worked in the near future.

*Shipbuilding.*NEWFOUND-
LAND.

Among the industries which re-act upon the trade of the Colony, none, perhaps, is more important than shipbuilding, for all the vessels that are built here find employment in the fisheries of the Colony. To a large extent they are employed in the bank fishery, and it may be said that it is owing in a great measure to the encouragement given to shipbuilding that this fishery has attained its present proportions. The number of vessels engaged in the bank fishery in 1889 was 330 of 18,890 tons, with 4,401 men. The catch was 236,821 quintals. 100 vessels were built in 1889, of 4,480 tons, on which a bounty was paid of \$18,374—an increase over 1888 of 25 vessels, 1,464 tons, and \$4,729 bounty. The value of these vessels may be stated at \$220,000 in round numbers.

The total number of ships registered in the Colony is 2,172, with tonnage of 93,992.

Manufactures.

There is not much to report in this direction outside the large increase which has taken place in the number of lobster factories, but some small beginnings have been made in putting up boneless codfish in small packages, which quite possibly will develop into a very considerable industry. A fair market, though at the present a somewhat limited one, is found in Canada and the United States for fish thus treated.

Legislation.

Beside the Railway Act to which I have adverted in a preceding paragraph, there were two or three other important Bills passed which call for a short reference:—

- 1st. The Bait Act, cap. 6, which consolidates and amends previous Acts relating to the sale of bait fish, with the view of perfecting the provisions by which the export of bait may be kept more completely under control.
- 2nd. The Fisheries Commission Act, cap. 7, which authorises the appointment of a board of Fishery Commissioners whose duty shall be to inquire into all matters pertaining to the preservation and development of our fisheries, to take steps for the collection and dissemination of useful information on the subject, to make rules (subject to legislative sanction) for the conduct of the fisheries.
- 3rd. Qualification of Electors Act, cap. 15, which extends the franchise to all male British subjects of the full age of 25 years.

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The system of election by ballot with extended franchise came into operation for the first time in 1889, and worked most satisfactorily. Although nearly every district in the Island was vigorously contested, the proceedings were characterised by peace and good order.

Education.

As reported before, the system in operation in Newfoundland is denominational. Each religious body receives a per capita allowance of 38 cents, the number of adherents being taken from the last census. This system has, on the whole, been found to work well, and has given results for the money expended in advance of what has been attained in more favoured countries. The total grant for education in 1889 was \$120,233, of which \$41,219 was entrusted to the Church of England boards, \$45,371 to Roman Catholic boards, \$30,900 to Methodist boards, \$1,818 to other boards, and one grant to an undenominational school of \$924. The Church of England had 199 schools, 11,923 pupils (17.50 of their population), the cost of each pupil to the Colony being \$3.26. The Roman Catholic Church had 200 schools, 12,279 pupils (16.30 of their population), the cost per pupil being \$3.70. The Methodist body had 137 schools, 7,913 pupils (16.23 of their population), the cost per pupil being \$3.90. Other denominations had five schools, 224 pupils (7.42 of their population), the cost per pupil being \$6.91. The aggregate for the Colony showed 552 schools with 32,398 pupils (16.55 of the population), the cost per pupil being \$3.74. In Ontario the cost per pupil is \$7.59.

The immense extent of coast line over which the population is extended in scattered settlements renders it exceedingly difficult to bring home the benefits of education to a large number of the people with the means at the disposal of the Government. It is hoped that the legislature will see its way to so augment the grant that many localities now without schools may shortly have this great lack provided.

Savings Bank.

This institution showed a small increase in the deposits for 1889. \$499,009 was put into bank and \$317,119 withdrawn, showing an increase of \$181,890. The deposits in the bank on 31st December were \$2,002,833.42.

Labrador.

Private returns from mercantile houses doing business on the Labrador show a considerable decrease in the productions of that coast. It must be borne in mind that the export from Labrador is produced by Newfoundlanders resorting there for the summer fishery, and that consequently the value of the export goes into the wealth of Newfoundland.

The returns give :—

			\$
186,933 quintals codfish, value	-	-	635,572
21,976 barrels herring	-	-	76,916
581 tierces salmon	-	-	11,620
38½ tuns cod oil	-	-	2,772
Miscellaneous	-	-	4,414
			<hr/>
			731,394
			<hr/>

NEWFOUND-
LAND.

The total export for 1888 was about \$820,000.

I have, &c.

(Signed) J. W. WITHERS,
For Colonial Secretary.

His Excellency
Sir J. Terence O'Brien, K.C.M.G.,
Governor.

NEWFOUNDLAND.

THE

NEWFOUNDLAND

FRENCH TREATIES ACT, 1891.

Presented to both Houses of Parliament by Command of Her Majesty.

July 1891.



LONDON:

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1891.

[C.—6488.] *Price 1d.*

THE NEWFOUNDLAND FRENCH TREATIES ACT, 1891.

An Act intituled “An Act for the purpose of carrying into effect engagements with France respecting Fisheries in Newfoundland.”

WHEREAS by Treaties and Declarations entered into and exchanged between the Kings of Great Britain and France certain engagements were made and declared relative to Newfoundland and the Islands of St. Pierre and Miquelon and in relation to the Fisheries on a part of the coast of Newfoundland, which Treaties and Declarations are as follows :—

Article 13 of the Treaty of Utrecht (1713), as follows :—

“The Island called Newfoundland, with the adjacent Islands, shall from this time forward belong of right wholly to Great Britain ; and to that end the town and fortress of Placentia, and whatever other places in the said Island are in the possession of the French, shall be yielded and given up, within seven months from the exchange of the ratification of this Treaty, or sooner, if possible, by the most Christian King, to those who have a Commission from the Queen of Great Britain for that purpose. Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said Island or Islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any buildings there, besides stages made of boards and huts necessary and usual for drying of fish, or to resort to the said Island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said Island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said Island, and from thence, running down by the western side, reaches as far as the place called Point Riche. But the Island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence and in the gulph of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there.”

Articles 5 and 6 of the Treaty of Paris (1763), as follows :—

“Article 5.—The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the Island of Newfoundland, such as it is specified in the 13th Article of the Treaty of Utrecht, which Article is renewed and confirmed by the present Treaty (except which relates to the Island of Cape Breton, as well as to the other Islands and coasts in the mouth and in the gulph of St. Lawrence) ; and his Britannic Majesty consents to leave to the subjects of the most Christian King the liberty of fishing in the gulph of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the Continent as those of the Islands situated in the said gulph of St. Lawrence. And as what relates to the fishery on the coast of the Island of Cape Breton out of the said gulph, the subjects of the most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coast of the Island of Cape Breton ; and the fishery on the coasts of Nova Scotia or Arcadia, and everywhere else out of the said gulph, shall remain on the foot of former Treaties.

“Article 6.—The King of Great Britain cedes the Islands of St. Pierre and Miquelon in full right to his most Christian Majesty, to serve as a shelter to the French fishermen ; and his said most Christian Majesty engages not to fortify the said Islands, to erect no buildings upon them, but merely for the convenience of the fishery ; and to keep upon them a guard of 50 men only for the police.”

Articles 4, 5, and 6 of the Treaty of Versailles (1783), as follows :—

“Article 4.—His Majesty the King of Great Britain is maintained in his right to the Island of Newfoundland, and to the adjacent Islands, as the whole were assured to him

by the 13th Article of the Treaty of Utrecht; excepting the Islands of St. Pierre and Miquelon, which are ceded in full right by the present Treaty to his most Christian Majesty.

"Article 5.—His Majesty the most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in 50 degrees north latitude; and his Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of his most Christian Majesty, beginning at the said Cape St. John, passing to the north, and descending by the western coast of the Island of Newfoundland, shall extend to the place called Cape Ray, situated in 47 degrees 50 minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present Article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

"Article 6.—With regard to the fishery in the gulph of St. Lawrence, the French shall continue to exercise it, conformably to the 5th Article of the Treaty of Paris."

The following Declaration made by His Britannic Majesty upon the signing of the Treaty of Versailles :—

"The King, having entirely agreed with his most Christian Majesty upon the Articles of the definite Treaty, will seek every means which shall not only insure the execution thereof with his accustomed good faith and punctuality, and will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, his Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French, during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland; but he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

"The 13th Article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there. It shall not be deviated from by either party, the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of his Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence.

"The King of Great Britain, in ceding the Islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations, and that the fishery between the said Islands and that of Newfoundland shall be limited to the middle of the channel."

The following counter-declaration of his most Christian Majesty the King of France made at the same time :—

"The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that his Majesty has had no other design than to render it solid and lasting by preventing, as much as possible, in the four quarters of the world, every subject of discussion and quarrel.

"The King of Great Britain undoubtedly places too much confidence in the uprightness of his Majesty's intentions not to rely upon his constant attention to prevent the Islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

"As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two sovereigns, upon this matter it is sufficiently ascertained by the 5th Article of the Treaty of Peace signed this day, and by the Declaration likewise delivered to-day by his Britannic Majesty's Ambassador Extra-

ordinary and Plenipotentiary ; and his Majesty declares that he is fully satisfied on this head.

“ In regard to the fishery between the Island of Newfoundland and those of St. Pierre and Miquelon, it is not to be carried on by either party but to the middle of the channel, and His Majesty will give the most positive orders that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.”

Articles 8 and 13 of the Treaty of Paris (1814), as follows :—

“ Article 8.—His Britannic Majesty, stipulating for himself and his allies, engages to restore to his most Christian Majesty, within the term which shall be hereafter fixed, the colonies, fisheries, factories, and establishments of every kind which were possessed by France on the 1st January 1792, in the seas and on the continents of America, Africa, and Asia, with the exception, however, of the Islands of Tobago and St. Lucie, and the Isle of France and its Dependencies, especially Rodrigues and Seychelles, which several colonies and possessions his most Christian Majesty cedes in full right and sovereignty to his Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which his most Christian Majesty restores in full right and sovereignty to his Catholic Majesty.”

“ Article 13.—The French right of fishery upon the Great Bank of Newfoundland, upon the coasts of the Island of that name, and of the adjacent Islands in the gulph of St. Lawrence, shall be replaced upon the footing in which it stood in 1792.”

Article 11 of the Treaty of Paris (1815), as follows :—

“ The Treaty of Paris, of the 13th of May 1814, and the final act of the Congress of Vienna of the 9th of June 1815, are confirmed, and shall be maintained in all such enactments which shall not have been modified by the Articles of the present Treaty.”

And whereas differences have arisen between Her Majesty the Queen and the Government of the Republic of France respecting the rights of the citizens of the Republic of France as to the catching and canning of lobsters on the said portion of the coast of Newfoundland and the erection of factories or buildings for that purpose, and an Agreement has been made between the High Contracting Parties for the submission to arbitration of the said differences, which Agreement is as follows :—

The Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions :—

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government, or by their delegates, concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

3. The *modus vivendi* of 1890 relative to the catching and preparation of lobsters is renewed purely and simply for the fishery season of 1891.

4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission, it may take cognizance of other subsidiary questions relative to the fisheries on the above-mentioned portion of the coasts of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

5. The Commission of Arbitration shall be composed—

(1.) Of three specialists or jurisconsults designated by common consent by the two Governments.

(2.) Of two delegates of each country, who shall be the authorised channels of communication between the two Governments and other arbitrators.

6. The Commission of Arbitration thus formed of seven members shall decide by majority of votes and without appeal.

7. It shall meet as soon as possible.

Done at London, the 11th day of March 1891.

And whereas the said High Contracting Parties have agreed to extend for the fishery season of 1891 the *modus vivendi* agreed to in 1890, which was as follows :—

The questions of principle and of respective rights being entirely reserved on both sides, the British and French Governments agree that the *status quo* shall be maintained during the ensuing season on the following bases :—

Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland, where the French enjoy rights of fishing conferred by the Treaties, it is understood that there shall be no modification in the positions (“emplacements”) occupied by the establishments of the subjects of either country on the first of July one thousand eight hundred and eighty-nine, except that a subject of either nation may remove any such establishment to any spot on which the commanders of the two naval stations shall have previously agreed.

No lobster fisheries which were not in operation on the first of July one thousand eight hundred and eighty-nine shall be permitted unless by the joint consent of the commanders of the British and French naval stations.

In consideration of each new lobster fishery so permitted it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between the said naval commanders.

Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

Be it therefore enacted by the Governor, Legislative Council, and House of Assembly in Legislative Session convened :

(1.) In case Her Majesty, Her heirs and successors, by advice of Her or their Council, shall give orders or instructions to the Governor of Newfoundland, or to any officer or officers on that station, which She or they deem necessary and proper to fulfil the purposes of the said Treaties, Declarations, and Agreements, and to that end shall give orders and instructions to the Governor or officer or officers aforesaid, to remove or cause to be removed any stages, flakes, train fats, or other works whatever, for the purpose of carrying on the fishery erected by Her Majesty's subjects on that part of the coast of Newfoundland which lies between Cape St. John, passing to the north and descending to the Western coast of the said Island to the place called Cape Raye, and also all ships, vessels, and boats belonging to Her Majesty's subjects which shall be found within the limits aforesaid ; and also in case of refusal to depart from within the limits aforesaid, to compel any of Her Majesty's subjects to depart from thence, any law, custom, or usage to the contrary notwithstanding ; any acts done by the said Governor, or officer or officers, in pursuance of such orders or instructions as aforesaid shall be lawful, and no action, suit, or other proceeding shall be brought or maintained in respect of the same.

(2.) In case Her Majesty, Her heirs and successors, by advice of Her or their Council, shall give orders or instructions to the said Governor, or officer or officers, which She or they deem necessary for the purpose of carrying out or enforcing the said *modus vivendi* during the fishery season of 1891, or any continuation thereof pending the arbitration aforesaid, and for the purpose of giving effect to the decision in said arbitration, any acts done by the said Governor, or officer or officers, in pursuance of such orders or instructions shall be lawful, and no action, suit, or other proceeding shall be maintained in respect of the same.

(3.) If any person shall refuse, upon requisition made by the said Governor, or officers lawfully acting in pursuance of such orders or instructions as aforesaid, to conform to such requisition and directions as the said Governor or officers shall lawfully make or give for the purpose aforesaid, such person so offending shall forfeit the sum of two hundred dollars ; provided always that every such suit or prosecution shall be commenced within one year from the commission of such offence.

(4.) This Act may be cited as the “Newfoundland French Treaties Act,” and shall continue in force only until the end of 1893 and no longer.

NORTH AMERICA.

CORRESPONDENCE

RELATING TO A

PROPOSED CONVENTION

TO REGULATE

QUESTIONS OF COMMERCE AND FISHERY

BETWEEN

THE UNITED STATES AND NEWFOUNDLAND.

*Presented to both Houses of Parliament by Command of Her Majesty.
March 1891.*

LONDON:

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HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

[C.—6303.] Price 6d.

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8	Sir W. V. Whiteway	Sept. 9	States that Mr. Bond, the Colonial Secretary, is proceeding to New York, and requests that he may be furnished with authority to communicate the views of the Newfoundland Government to Sir J. Pouncefote.	4
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60	Ditto	Feb. 21 Telegraphic	Observes that it was a very unusual course for a member of the Colonial Government to propose to the Legislature resolutions condemning the proceedings of Her Majesty's Government without placing before it full reasons which had led to the action objected to.	39

Serial No.	From or to whom.	Date.	Subject.	Page
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Correspondence relating to a proposed Convention to regulate
Questions of Commerce and Fishery between the United
States and Newfoundland.

No. 1.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received March 20, 1890.)

Government House, St. John's, Newfoundland,
February 28, 1890.

MY LORD,

I HAVE the honour to enclose a copy of a Minute of Council of 27th instant, when a telegraphic message from his Excellency the Governor-General of Canada and my reply thereto were considered.

2. Your Lordship will observe that my Ministers are strongly of opinion that, as our interests are not identical, and we have no burning questions with the United States such as those existing between that country and the Dominion, we would be more likely to obtain better reciprocal advantages for our fisheries by negotiating direct with the former than while we are included with the latter in such arrangements.

3. From a report made by the then Colonial Secretary, the Hon. E. D. Shea, dated 9th December, 1884, it would appear that this matter has been already laid before the Imperial Government, when great hopes were held out that it would be favourably received. It was, however, postponed until after the Presidential election, when, the mission of the Right Hon. J. Chamberlain supervening, Newfoundland found itself included with Canada in the *modus vivendi* necessitated by the failure of these negotiations.

4. As I have reason to believe that the States would not object to treat with us direct, and would give us far better terms than we have at present, I fully concur in the proposals of my Government, and would strongly urge your Lordship giving them your favourable consideration.

I have, &c.

(Signed)

T. O'BRIEN, Lieut.-Colonel,
Governor.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 1.

EXTRACT from MINUTES OF COUNCIL of February 27, 1890.

HIS EXCELLENCY THE GOVERNOR having brought under the notice of Council the following Telegram received by him from the Governor-General of Canada on the 22nd instant, viz., "My Ministers would like to have the views of your Government on the question of extending the operation of the *modus vivendi* for another year or longer," it was resolved that a reply be forwarded that "Bait question is under the consideration of my Government. Until a decision is arrived at no answer can be given," and that as the interests of this Colony are not identical with those of the Dominion of Canada, that a strong representation to that effect be made to the Imperial Government, with a view to negotiations with the United States Government being entered upon for a distinct arrangement with reference to this Colony as regards the fishery questions and trade relations.

No. 2.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 2, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a Despatch* from the Governor of Newfoundland, enclosing a Minute of Council expressing the wish of the Government of that Colony that negotiations should be entered upon for a distinct arrangement with reference to that Colony as regards the fishing questions and trade relations with the United States.

Lord Knutsford proposes at present, with Lord Salisbury's concurrence, merely to acknowledge the receipt of this Despatch, and to promise that the matter shall receive the consideration of Her Majesty's Government, and to defer any further reply until the excitement at present existing in the Colony in regard to the French lobster fishery question has to some extent abated, or until Her Majesty's Government are enabled to discuss the matter personally with the Premier of the Colonial Government on his arrival in this country.

The Under Secretary of State,
Foreign Office.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 3.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, April 10, 1890.

I HAVE laid before the Marquis of Salisbury your letter of the 2nd instant,† enclosing a copy of Sir T. O'Brien's Despatch of the 28th of February as to the views of the Government of Newfoundland in regard to the operation of the *modus vivendi*, temporarily established by the Protocols signed at Washington on the 15th February, 1888, for regulating the fisheries on the Atlantic Coast of North America.

In reply, I am directed by his Lordship to request that you will state to Secretary Lord Knutsford that he concurs in the course which it is proposed to take in this matter at the present time.

The Under Secretary of State,
Colonial Office.

I am, &c.
(Signed) P. W. CURRIE.

No. 4.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, April 12, 1890.

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th of February last,* enclosing a copy of a Minute of Council expressing the wish of your Government that negotiations should be entered upon for a distinct arrangement with reference to Newfoundland as regards the fishing questions and trade relations with the United States.

At the present moment, I can only assure you that this question will receive the consideration of Her Majesty's Government, but I should be glad of the opportunity of discussing the matter with the Premier of your Government on his arrival in this country.

Sir Terence O'Brien.

I have, &c.
(Signed) KNUTSFORD.

* No. 1.

† No. 2.

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No. 5.

SIR W. V. WHITEWAY to COLONIAL OFFICE.

DEAR LORD KNUTSFORD,

Hôtel Métropole, London, July 12, 1890.

ACCORDING to your request, I beg to enclose a memorandum which Mr. Harvey agrees with me as our suggestion in the matter of the United States question.

We therefore submit same for your consideration.

I am, &c.

The Right Hon. Lord Knutsford.

(Signed) W. V. WHITEWAY.

Enclosure in No. 5.

MEMORANDUM with regard to the UNITED STATES.

American vessels to have the privilege of purchasing bait at all times on same terms and in same quantities as Newfoundland vessels, and to have all privileges of touching and trading, selling fish, oil, &c., and getting supplies without other charges than light and harbour dues and customs dues, such as are levied on Newfoundland vessels similarly employed.

American vessels procuring bait from Newfoundland to give bonds, similar to bonds given by Newfoundland vessels, with like penalties; provision to be made for enforcing penalties in United States territory.

In return, United States to admit codfish, cod oil, seal oil, herrings, salmon, &c. from Newfoundland, the produce of Newfoundland fisheries, free of duty.

July 12, 1890.

No. 6.

SIR W. WHITEWAY to COLONIAL OFFICE.

MEMORANDUM respecting the DEVELOPMENT of the RESOURCES of NEWFOUNDLAND, and the GUARANTEE by HER MAJESTY'S GOVERNMENT of a LOAN for that purpose to be raised by the GOVERNMENT of the COLONY.

THE "Handbook of Newfoundland" is furnished herewith, in which the resources of the Colony—agricultural, mineral, and forests—are referred to.

There has already been built about 120 miles of railroad, and a contract has been entered into for the construction of about 270 miles more, which, with about 150 miles additional, would open the lands referred to in the Handbook. The fisheries of Newfoundland, although a great source of continuous wealth, can only afford employment to a certain number, and therefore an increasing population must either emigrate or find other sources of industry. The large areas of land might be made a location for a thriving agricultural population of immigrants, and their introduction into the Colony would be of material advantage in instructing the people of the Colony in agricultural pursuits, for which their hereditary occupation of fishing has not qualified them, but the youth may be drawn off into the interior by example and inducements to settle there.

To develop this country requires an expenditure of capital which cannot be immediately remunerative, and there is comparatively a small population, say about 190,000, for opening up a country in extent equal to about England and Wales.

The Government and people are making strenuous efforts to accomplish this object, but they are still suffering from that policy which in the past dictated the action of the Imperial Government in keeping the Newfoundland fisheries as a nursery for British seamen, and preventing settlement in the Colony, and also from unfortunate treaties which have tended to crush the energies of a hardy race of men, and thwarted the progress of the island.

Whilst other British Colonies have received encouragement and pecuniary aid towards their development, Newfoundland has had to struggle against prohibitory and oppressive laws. It is now asked that Her Majesty's Government will make amends for the errors of past Governments, and aid in the Colony's development, not by advancing money from the Imperial Treasury, but only to guarantee a loan, say

10 million dollars, or about 2 millions sterling, for the purposes before mentioned, by doing which Her Majesty's Government will incur no risk. This will enable the Colony to obtain the loan at a very low rate of interest, and the money judiciously expended in railroads and in aiding settlement will be of advantage, not only to Newfoundland, but to the mother country, in developing her oldest and nearest Colony, and in affording houses there for numbers of her surplus agricultural labourers, from whose industry there is every reason for believing much wealth may be poured into Britain from the lands of Newfoundland, as in the past has been the case from her fisheries.

21st July, 1890.

No. 7.

COLONIAL OFFICE to SIR W. WHITEWAY.

SIR,

Downing Street, July 31, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your memorandum of the 21st instant,* "respecting the development of the resources of Newfoundland, and the guarantee by Her Majesty's Government of a loan for that purpose to be raised by the Government of the Colony."

Lord Knutsford fears that it would not be possible to obtain at the present moment the consent of the Lords Commissioners of the Treasury to a guarantee of a loan of 2,000,000*l.* for the purposes suggested, nor at any time unless such a guarantee should form a part of a general arrangement for the settlement of the fisheries question with France.

At the same time, in case any opportunity should occur for making a proposal to the Treasury, it would be desirable that Lord Knutsford should be furnished with a complete statement of the financial condition and prospects of the Colony, and he would be glad if you would favour him with such a statement showing the condition of the Colony during recent years.

Any papers in the possession of this Department which would facilitate the preparation of such a statement will be at your disposal for the purpose of reference.

I am, &c.

(Signed) JOHN BRAMSTON.

Sir William Whiteway, Q.C., K.C.M.G.

No. 8.

SIR W. V. WHITEWAY to COLONIAL OFFICE.

SIR,

London, September 9, 1890.

HAVING understood that Her Majesty's Government has consented to negotiate with the United States Government with a view to an arrangement under which fish and other products of Newfoundland may be admitted into the United States free of duty, in return for concessions to be made by Newfoundland as regards the purchase of bait by United States fishermen, I beg to say that the Honourable Mr. Robert Bond, Colonial Secretary of Newfoundland, is about to proceed to New York, leaving London to-morrow (Wednesday), the 10th instant; and I have the honour to ask the favour of his being furnished with such authority as may be deemed necessary for his communicating to Her Majesty's Minister at Washington the views of the Newfoundland Government, in order to the attainment of the object desired.

I am, &c.

(Signed) W. V. WHITEWAY,
Premier and Attorney-General, Newfoundland.

John Bramston, Esq., C.B.

P.S.—Should there be no prospect of conceding Mr. Bond's request by letter to be posted to-morrow addressed to him steam-ship "Polynesian," Queenstown, may I beg that it be addressed as soon as possible to him, Astor House, New York?

W. V. W.

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No. 9.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, September 9, 1890.

I AM directed by Lord Knutsford to transmit to you, for communication to the Marquis of Salisbury, a copy of a letter* from Sir William Whiteway, requesting that Mr. Bond, Colonial Secretary of Newfoundland, who leaves for New York to-morrow, may be authorized to communicate to Sir Julian Pauncefote, at Washington, the views of the Colonial Government on the subject of the proposed separate arrangements respecting fishery questions between Newfoundland and the United States.

I am to request to be informed whether Lord Salisbury has any objection to giving the proposed authority.

The Under Secretary of State,
Foreign Office.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 10.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, September 10, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of yesterday,† forwarding a letter from Sir W. Whiteway, in which he states that the Honourable Robert Bond, Colonial Secretary of Newfoundland, is authorized by him to explain to Her Majesty's Minister at Washington the views of the Newfoundland Government in regard to an arrangement for the admission of fish and other products of Newfoundland into the United States free of duty, in exchange for facilities for the purchase of bait by United States fishermen.

Sir W. Whiteway requests that Sir J. Pauncefote may be informed that Mr. Bond has authority to speak to him on the subject.

I am to inclose a Despatch to Sir J. Pauncefote, introducing Mr. Bond, which Lord Salisbury has had pleasure in giving, in compliance with Sir W. Whiteway's wishes.

The Under Secretary of State,
Colonial Office.

I am, &c.
(Signed) T. H. SANDERSON.

Enclosure in No. 10.

The MARQUIS OF SALISBURY to SIR J. PAUNCEFOTE.

SIR,

Foreign Office, September 10, 1890.

THIS Despatch will be delivered to you by the Honourable Robert Bond, Colonial Secretary of Newfoundland, who is about to proceed to New York, and has been commissioned by Sir W. Whiteway, the Prime Minister of the Colony, to communicate to you the views and wishes of the Newfoundland Government with regard to an arrangement for the admission of fish and other products of Newfoundland to the United States free of duty, in return for concessions as to the purchase of bait by United States' fishermen.

Sir W. Whiteway has requested that you may be informed that Mr. Bond has authority to speak to you on the subject in the name of the Newfoundland Government, and I have accordingly furnished him with this introduction to you.

I am, &c.
(Signed) SALISBURY.

* No. 8.

† No. 9.

No. 11.

COLONIAL OFFICE to ROBERT BOND, Esq.

SIR, Downing Street, September 10, 1890.
 I AM directed by Lord Knutsford to transmit to you a letter of introduction* to Her Majesty's Minister at Washington, which has been obtained from the Foreign Office, at the request of Sir W. V. Whiteway, to enable you to explain to Sir Julian Pauncefote the views of the Newfoundland Government in regard to the proposed arrangement to obtain the admission free of duty into the United States of fish and other products of the Colony.

Robert Bond, Esq.

I am, &c.
 (Signed) JOHN BRAMSTON.

No. 12.

COLONIAL OFFICE to SIR W. V. WHITEWAY.

SIR, Downing Street, September 11, 1890.
 IN reply to your letter of the 9th instant,† I am directed by Lord Knutsford to inform you that a letter of introduction to Her Majesty's Minister at Washington, obtained from the Foreign Office, to enable Mr. Bond to explain to Sir Julian Pauncefote the views of the Newfoundland Government in regard to the admission of fish and other products of the Colony into the United States, was yesterday forwarded to Mr. Bond to the care of the captain of the steam-ship "Polynesian," Queenstown.

Sir W. V. Whiteway, Q.C., K.C.M.G.

I am, &c.
 (Signed) JOHN BRAMSTON.

No. 13.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

TELEGRAPHIC.

October 22, 1890.—The following is the substance of a telegram received by the Marquis of Salisbury from British Minister at Washington, 17th instant :—

"With reference to your Lordship's Despatch of the 10th ultimo, introducing Mr. Robert Bond, I have presented that gentleman to Mr. Secretary Blaine, and negotiations are now going on with a view to an independent arrangement between the United States and Newfoundland relating to the fisheries. Before negotiations go further I would suggest that the Government of Canada might be informed, as they might wish to negotiate on the same lines as regards the Provinces of New Brunswick and Nova Scotia."

No. 14.

COLONIAL OFFICE to the HIGH COMMISSIONER FOR CANADA.

SIR, Downing Street, October 23, 1890.
 I AM directed by Lord Knutsford to acquaint you that a Telegram, dated the 16th instant, has been received from Her Majesty's Minister at Washington by the Secretary of the State for Foreign Affairs, of which the following is the purport :—
 "With reference to your Despatch of the 10th ultimo introducing Mr. Bond, I have presented that gentleman to Mr. Secretary Blaine, and negotiations are now going on with a view to an independent arrangement between the United States and Newfoundland relating to the fisheries. Before negotiations go further, I would suggest that the Government of Canada might be informed of them, as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia."

* Enclosure in No. 10.

† No. 8.

The substance of Sir J. Pauncefote's Telegram has been communicated by telegraph to the Governor-General of Canada.

The High Commissioner for Canada. I am, &c.
(Signed) JOHN BRAMSTON.

No. 15.

The HIGH COMMISSIONER FOR CANADA to COLONIAL OFFICE.

MY LORD, Victoria Chambers, 17, Victoria Street, London,
October 27, 1890.

I HAD the honour to receive at Paris, on the 23rd instant, Mr. Bramston's Despatch of the same date,* saying:—

"I am directed by Lord Knutsford to acquaint you that a Telegram dated 6th instant has been received from Her Majesty's Minister at Washington by the Secretary of State for Foreign Affairs, of which the following is the purport:

"With reference to your Despatch of the 10th ultimo, introducing Mr. Bond, I have presented that gentleman to Mr. Secretary Blaine, and negotiations are now going on with a view to an independent arrangement between the United States and Newfoundland relating to the fisheries. Before negotiations go further, I would suggest that the Government of Canada might be informed of them, as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia."

I had previously received a telegram from the Premier of Canada as follows:—

"Bond, Whiteway's Minister, now at Washington, announces authority from Imperial Government to make separate Fishery Treaty. Ascertain truth and enter protest. See 'New York Herald,' 13th, 'Boston Herald,' 18th October."

I believe I am right in saying that in reference to the question of the Atlantic North American fisheries Her Majesty's Government has hitherto invariably recognized the importance of obtaining unity of action, so far as was possible, on the part of all the Colonies interested. In the Treaty of Reciprocity with the United States in 1854, the consent of Newfoundland, as well as of the various provinces of Canada, was made necessary to its going into operation; and the same course was followed, subsequent to confederation, in reference to the treaties of 1871 and 1888.

I learn with deep regret that this obviously sound policy has not only been departed from, but that, while Newfoundland has on previous occasions been fully advised as to negotiations that were to be undertaken, Her Majesty's Government have, without any intimation to Canada of what was proposed, authorized, so long ago as the 10th September, Newfoundland to open negotiations for a separate treaty with the United States; and that the first communication to Canada is a suggestion from Sir J. Pauncefote not to include Canada in the proposed arrangements, but "that the Government of Canada might be informed of them, as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia," i.e., for a treaty independent of the other provinces of Canada.

I should fail in my duty to the Crown, as well as to Canada, if I did not promptly assure your Lordship that I feel confident the difficulties of the vexed question of the British North American fisheries will be greatly increased by the wide departure that is now proposed from the long-established policy that has hitherto prevailed upon this very important question.

I am, &c.
(Signed) CHARLES TUPPER.

The Right Hon. Lord Knutsford, G.C.M.G.,
Secretary of State for the Colonies.

P.S.—Since writing my letter, I have received the following Telegram from Sir John A. Macdonald, which I beg to quote for the consideration of Her Majesty's Government:—

"Can scarcely believe Newfoundland has received authority from Imperial Government to make separate arrangement respecting fisheries. The relations of all the North American provinces to United States and to the Empire would be affected. We are not informed of powers given to Bond, and desire communication of them. Please represent strongly how the fishery and commercial interest of Canada will be

injured by such an arrangement as Bond is currently reported as making, and how disastrous from a national point of view it would be for a separate Colony to effect an arrangement with the United States more favourable than would be given to the confederated provinces Our difficulties under new American tariff are sufficiently great now."

C. T.

No. 16.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.
(Received October 31, 1890.)

TELEGRAPHIC.

REFERRING to your Telegram of the 22nd,* Dominion Government are not informed of Bond's powers or instructions, and wish for communication thereof, and to have opportunity reserved for Canada to be included in any arrangement.

No. 17.

COLONIAL OFFICE to the HIGH COMMISSIONER FOR CANADA.

SIR,

Downing Street, November 1, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 27th ultimo,† drawing attention to the objection entertained by the Government of Canada to a separate fishery arrangement between the United States and Newfoundland, and to acquaint you that the representation which it contains will receive very careful consideration.

The High Commissioner for Canada.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 18.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, November 3, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a paraphrase of a Telegram‡ received from the Governor-General of Canada relating to the negotiations proceeding at Washington on the subject of an arrangement between the United States and Newfoundland relating to the fisheries.

Lord Knutsford proposes, with Lord Salisbury's concurrence, to reply to the Governor-General in the terms of the Telegram§ of which a draft is inclosed; and he would suggest, for Lord Salisbury's consideration, whether it would not be advisable that the Governor-General's Telegram and the reply should be telegraphed to Sir Julian Pauncefote, with instructions to consider in what way the wish of Canada to be included in any arrangement may best be made, and to telegraph home for consideration the terms of any convention or arrangement which he thinks could be obtained or is desirable.

The Under Secretary of State,
Foreign Office.

I am, &c.
(Signed) JOHN BRAMSTON.

* No. 13.

† No. 15.

‡ No. 16.

§ See No. 20.

No. 19.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, November 4, 1890.

WITH reference to your letter of yesterday's date* respecting the proposed negotiations between Newfoundland and the United States for an arrangement as to the Fisheries question, I am directed by the Marquis of Salisbury to request that you will state to Lord Knutsford that he concurs in the proposed reply to Lord Stanley's Telegram of the 30th ultimo.†

I am to add that, in accordance with the suggestion made in your letter, the telegraphic correspondence with the Governor-General of Canada on this subject has been communicated by telegraph to Her Majesty's Minister at Washington.

Sir Julian Pauncefote has also been requested to report in what way he considers that the wish of the Canadian Government to be included with that of Newfoundland in any arrangement made with the United States can best be carried out.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) P. W. CURRIE.

No. 20.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

TELEGRAPHIC.

4th November, 1890. Your Telegram of 30th October.‡ Bond has no powers or instructions. Having decided to visit Washington he was introduced to the British Minister in order to consider with him whether, as Newfoundland delegates believed, United States would, under McKinley Law, remit or reduce duty on Newfoundland fish if Colony granted reciprocally facilities for procuring bait. No wider arrangement suggested. Her Majesty's Government are in communication with British Minister respecting wish of Dominion Government that Canada should be included in any arrangement.

No. 21.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, November 6, 1890.

WITH reference to my letter of the 4th instant,‡ I am directed by the Marquis of Salisbury to transmit herewith, for the information of Secretary Lord Knutsford, a paraphrase of a Telegram from Sir J. Pauncefote, giving the substance of a draft convention he has privately communicated to Mr. Blaine for an arrangement as to fishing questions and trade regulations between the United States and Newfoundland.

I am to point out that Sir J. Pauncefote defers replying to the inquiry addressed to him as to the best mode of including Canada in such an arrangement until he has discussed the draft with Mr. Blaine.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) P. W. CURRIE.

* No. 18.

† No. 16.

‡ No. 19.

Enclosure in No. 21.

PARAPHRASE of TELEGRAM from SIR J. PAUNCEFOTE.

Washington, November 5, 1890.

IN reply to your Lordship's telegram of yesterday, I beg to state that Sir W. White-way's memorandum of the 12th July* corresponds exactly with the convention I have communicated to Mr. Blaine, except that, in accordance with Mr. Bond's request, crude minerals have been added.

The 1st Article provides that the privilege of purchasing bait fishes in Newfoundland in the same manner as vessels of the Colony shall be accorded to United States fishing vessels; also that United States fishing vessels shall be allowed to touch and trade, sell their fish and oil, and procure supplies, on condition that they pay the same dues as Newfoundland vessels, and conform to the harbour regulations.

In Article II provision is made that facilities shall be given for recovery of penalties in United States Courts under bonds against United States citizens.

Under Article III the United States are to admit duty free the produce of the fisheries of Newfoundland, including cod and seal oil, and also the produce of mines.

By Article IV it is agreed that the Convention shall hold good for ten years, and that after that period it shall, subject to one year's notice, continue from year to year.

I hope to discuss the above proposal with Mr. Blaine in the course of a few days, and until I have done so I would ask to be allowed to defer my reply to your Lordship's inquiry as to the best mode of including Canada in the arrangement.

No. 22.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, November 10, 1890.

I AM directed by the Marquis of Salisbury to transmit herewith, for Lord Knutsford's information, a copy of a Despatch from Her Majesty's Minister at Washington on the subject of Mr. Bond's visit to the United States, and the progress of the negotiations for a reciprocity arrangement between that country and Newfoundland on fishery and trading questions.

The Under Secretary of State,
Colonial Office.

I am, &c.
(Signed) P. W. CURRIE.

Enclosure in No. 22.

SIR J. PAUNCEFOTE to the MARQUIS OF SALISBURY.

(Extract.)

MY LORD,

Washington, October 30, 1890.

WITH reference to your Lordship's Despatch of the 10th ultimo,† informing me of the intended visit to this country of the Honourable Robert Bond, Colonial Secretary of Newfoundland, for the purpose of communicating to me the views and wishes of the Colonial Government with regard to a reciprocity arrangement with the United States, I have the honour to report that Mr. Bond arrived in Washington at the end of last month, while I was still at Magnolia.

The Secretary of State happened to be passing through Washington at the time, and I availed myself of the opportunity to request him to receive Mr. Bond unofficially, in order that he might explain to him informally the general character of the proposed arrangement, and the advantages which would result to the United States from its adoption.

Mr. Blaine at once acceded to my request, and Mr. Bond had a lengthy interview with him, the result of which was that I was invited to put the Newfoundland proposals in the shape of a draft convention.

I accordingly transmitted to Mr. Blaine a draft which had been previously approved by Mr. Bond, and I have every hope that it will be accepted without any important modifications, provided it should not meet with any formidable opposition

* Enclosure in No. 5.

† Enclosure in No. 10.

on the part of the representatives of the fishery interests in New York, Boston, and Gloucester.

* * * * *

The Marquis of Salisbury, K.G.,
&c. &c. &c.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 23.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, November 13, 1890.

WITH reference to my letters of the 6th and 10th instant,* I am directed by the Marquis of Salisbury to transmit herewith, for Lord Knutsford's information, a copy of a Despatch from Her Majesty's Minister at Washington, inclosing a copy of the draft convention for the improvement of the commercial relations between the United States and Newfoundland which he has communicated privately to Mr. Blaine.

The Under Secretary of State.
Colonial Office.

I am, &c.
(Signed) P. W. CURRIE.

Enclosure in No. 23.

SIR J. PAUNCEFOTE to the MARQUIS OF SALISBURY.

MY LORD,

Washington, November 4, 1890.

IN continuation of my Despatch of the 30th ultimo† respecting the pending negotiations for a reciprocity arrangement with the United States in relation to Newfoundland, I have the honour to inclose a copy of the draft convention referred to in that Despatch, and of the private note in which I transmitted it to Mr. Blaine for his consideration.

The draft is in precise accordance with the wishes of the Newfoundland Government, with the addition of crude minerals to the list of free imports. This I inserted in Article III at the request of the Honourable Mr. Bond, the Colonial Secretary of Newfoundland, and being pressed by him to send the draft to Mr. Blaine at once I acceded to his request.

I trust that my action in this matter under the circumstances will meet with your Lordship's approval.

The Marquis of Salisbury, K.G.,
&c. &c. &c.

I have, &c.
(Signed) JULIAN PAUNCEFOTE.

DRAFT CONVENTION.

CONVENTION between Great Britain and the United States of America for the improvement of commercial relations between the United States and Her Britannic Majesty's Colony of Newfoundland. Title.

The Governments of Great Britain and of the United States, desiring to improve the commercial relations between the United States and Her Britannic Majesty's Colony of Newfoundland, have appointed as their respective Plenipotentiaries, to wit:— Preamble.

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

Purchase of bait, touching and trading in Newfoundland waters.

United States fishing-vessels entering the waters of Newfoundland shall have the privilege of purchasing herring, caplin, squid, and other bait fishes, at all times, on the same terms and conditions in all respects as Newfoundland vessels. They shall also have the privilege of touching and trading, selling fish and oil, and getting supplies in Newfoundland, conforming to the harbour regulations, but without other charge than the payment of such light, harbour, and customs dues as are, or may be, levied on Newfoundland fishing-vessels.

Recovery of penalties against American citizens

Whereas the master of every United States fishing-vessel to whom a licence to purchase bait may be granted under the last preceding Article will be required to enter into the bond prescribed by law in the case of Newfoundland vessels, and difficulties may arise in recovering penalties incurred by United States citizens for the violation of such bonds, the United States Government agree to take such measures as may be necessary to enable the Government of Newfoundland to recover such penalties in the Courts of the United States.

**Fish, fish-oil, &c.,
and minerals to be
admitted in the
United States free
of duty.**

The produce of Newfoundland fisheries, that is to say, codfish, cod oil, seal oil, herrings, salmon, lobsters, &c., and all crude or unmanufactured produce of Newfoundland mines, shall be admitted into the United States free of duty.

Ratifications, commencement, and duration of convention.

This convention shall be ratified, and the ratifications shall be exchanged in as soon as possible.

It shall come into force on such day as shall be agreed on between the High Contracting Parties, and it shall continue in force for the term of ten years from the date at which it may come into operation, and, further, until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same, each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

In faith whereof we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done in duplicate at Washington this day of , in the year of our
Lord 1890.

SIR J. PAUNCEFOTE to MR. BLAINE.

DEAR MR. BLAINE

Magnolia, Massachusetts, October 18, 1890.

I AM informed by Mr. Bond, the Colonial Secretary of Newfoundland, that at the interview which you were good enough to give him on the 7th instant you expressed the wish that I should send you a draft of a convention embodying the arrangement proposed by the Newfoundland Government.

I have much pleasure in complying with that request, and I beg to inclose the draft I have prepared, and which meets with Mr. Bond's concurrence. I shall be in Washington on the 25th, and I shall do myself the honour of calling at the State Department on the subject as soon as possible after my return.

I remain, &c.

(Signed) JULIAN PAUNCEFOTE.

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No. 24.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, November 13, 1890.

WITH reference to my letter of the 4th instant,* I am directed by the Marquis of Salisbury to transmit herewith a paraphrase of a Telegram from Sir J. Pauncefote, from which it appears that Mr. Blaine is anxious that Mr. Bond should return at once to Washington, in order to supply statistical information in connection with the proposed arrangement between the United States and Newfoundland.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) P. W. CURRIE.

 Enclosure in No. 24.

PARAPHRASE of TELEGRAM from SIR J. PAUNCEFOTE to LORD SALISBURY.

Washington, November 12, 1890.

I HAVE been urged by Mr. Blaine to ask Mr. Bond, the Colonial Secretary, to return at once to Washington to furnish certain explanations and statistical information which are necessary in connection with the reciprocity arrangement proposed between the United States and Newfoundland. He considers that this step would be advantageous.

I informed him that I would submit his request to your Lordship and let him know your opinion as soon as I was able to do so.

 No. 25.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

November 14, 1890. Blaine urges that Colonial Secretary should return at once to Washington to furnish information as to statistics and certain explanations which are necessary in connection with proposed Reciprocity Treaty. He considers that it would be advantageous to go immediately.

 No. 26.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received November 14, 1890.)

TELEGRAPHIC.

COLONIAL Secretary will leave by first opportunity, not later than end of next week. Her Majesty's Minister has been informed.

 No. 27.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

TELEGRAPHIC.

(Extract.)

November 15, 1890. Referring to my Telegram of the 4th instant,† following is substance of draft proposed convention between Newfoundland and United States:—

Article I. United States vessels to have privilege of purchasing bait in Newfoundland, same conditions as Newfoundland vessels, and to be allowed to touch and trade,

* No. 19.

† No. 20.

sell their fish and oil, and procure supplies, paying same dues as Newfoundland vessels and conforming to harbour regulations.

Art. II. Facilities shall be given for recovery in United States Courts of penalties incurred under bonds by United States citizens.

Art. III. United States to admit duty free Newfoundland codfish, cod oil, seal oil, herrings, salmon, lobsters, &c., and crude produce of mines.

Art. IV. Convention to continue for ten years, and thereafter from year to year, subject to a year's notice. Convention ends.

No. 28.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.
(Received November 19, 1890.)

TELEGRAPHIC.

(Extract.)

HAVE received your Telegram of 15th instant.* My Government view with the utmost alarm proposed convention between Newfoundland and the United States.

It affects fisheries interests of Canada as well as those of Newfoundland, and places fisheries and other products of Canada on a different footing from those of Newfoundland in United States markets.

Sanction of Newfoundland treaty by Her Majesty's Government would materially aid United States policy by placing Canada at disadvantage with neighbouring Colony of Newfoundland and producing discontent here.

Dominion Government respectfully remonstrate in strongest terms against signature of proposed convention at Washington. I will telegraph text of Council Minute when received.

No. 29.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

TELEGRAPHIC.

(Extract.)

25th November, 1890. Your Telegram of 19th† received. Her Majesty's Government greatly regret your Government should apprehend proposed separate arrangement between Newfoundland and United States will injure Canada, and would wish to have a full statement showing how it is apprehended that injury would, under the conditions of the case, result. Her Majesty's Government will delay Newfoundland convention so that both may proceed *pari passu*.

No. 30.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received November 29, 1890.)

TELEGRAPHIC.

ACCORDING to Telegram from Bond, British Minister at Washington unauthorized to affix signature to convention. My Government strongly request, as of great importance, necessary authority to be transmitted by telegram without delay. Anxious for reply to this Telegram; of greatest importance.

* No 27.

† No 28.

15

No. 31.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received December 5, 1890.)

Government House, St. John's, Newfoundland,
November 21, 1890.

MY LORD,

I HAVE the honour to report that, in compliance with your telegraphic instructions,* my Colonial Secretary, the Hon. R. Bond, left to-day for Washington, by the mail-steamer which brought Sir W. V. Whiteway and the Hon. A. Harvey back to the Colony.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Col.,
Governor.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

No. 32.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received December 9, 1890.)

TELEGRAPHIC.

BOND sends Telegram from Washington that no authority has been received by British Ambassador to sign arrangement between United States of America and Newfoundland. My Ministers make urgent representations that proper authority may be given by telegram without delay. Great inconvenience caused by Bond's absence.

No. 33.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

10th December, 1890. Referring to your Telegrams of the 29th November and 8th instant,† Her Majesty's Government are not at present able to authorize Sir J. Pauncefote to conclude the draft convention with United States. They have never contemplated immediate action in this matter, as it is necessary to consider carefully how any convention may affect the fishery and other interests of the people of Canada.

No. 34.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received December 12, 1890.)

TELEGRAPHIC.

12th December. Referring to your Lordship's Telegram of the 10th instant,‡ my Ministers have unanimously passed the following Minute of Council: "On the 8th July the Newfoundland delegates proposed to Lord Knutsford that Newfoundland

* No. 25.

† Nos. 30 and 32.

‡ No. 33.

should be authorized to negotiate a convention with the United States of America, and it was distinctly stated that the interests of Newfoundland were not identical with those of Canada. Her Majesty's Government assented to this proposal on the 8th September, and with their approbation Mr. Bond left London for Washington. Having returned to Newfoundland he was directed by the Secretary of State for the Colonies to proceed again to Washington, and then, for the first time, difficulties are raised, presumably by or on behalf of Canada, whose relations with the United States are not amicable. We decline being involved in Canadian disputes, and believe that Her Majesty's Government will not cause this Colony to be so hampered, and thus add to the trading disabilities under which she suffers. We are surprised at this hostile action of Her Majesty's Government, which is calculated to defeat us in our struggle to open new markets, in the hope of securing thereby some relief from existing difficulties. We repudiate the interference of Canada, and our interests being made subservient to hers.

"We pray that Her Majesty's Government will reconsider the decision conveyed in Lord Knutsford's Telegram of the 10th instant, and authorize the Minister at Washington to sign such convention as Mr. Bond concurs in for the advantage of this Colony, disregarding the outside influences."

No. 35.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

18th December, 1890. Referring to your Telegram of the 12th instant,* you should remind your Ministers that, although Newfoundland may not desire to be concerned in Canadian questions, it is the duty of Her Majesty's Government, as I pointed out in my Telegram of 10th instant,† to consider what would be the effect upon other British interests of any proposals made exclusively in interests of Newfoundland. In the present case there would appear to be comparatively little inconvenience in such full consideration of the draft convention, as it must be some months before, on the reopening of the fisheries, it could come into practical operation.

No. 36.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, December 18, 1890.

I AM directed by the Marquis of Salisbury to transmit, for Secretary Lord Knutsford's information, a paraphrase of a Telegram from Her Majesty's Minister at Washington, reporting that Mr. Bond has been informed by the United States Secretary of State that he is prepared to accept a modification of the proposed arrangement for the improvement of commercial relations between the United States and Newfoundland.

Sir J. Pauncefote also states that Mr. Bond has left Washington on his return to the Colony.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) T. H. SANDERSON.

* No. 34.

† No. 33.

Enclosure in No. 36.

PARAPHRASE of TELEGRAM from Sir J. PAUNCEFOTE of December 17, 1890.

I HAVE been informed by Mr. Blaine that he does not wish to detain Mr. Bond any longer with regard to the Newfoundland negotiations, but that he would like to have another interview with him before he leaves.

Mr. Bond, having called on him by appointment, tells me that Mr. Blaine is willing to accept a modified arrangement which would be very satisfactory to Newfoundland.

He left Washington for the Colony last night.

The substance of any communication which may be made to me by Mr. Blaine shall be telegraphed to your Lordship.

No. 37.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received December 22, 1890.)

TELEGRAPHIC.

IN reply to your telegram of the 18th December,* my Ministers, notwithstanding my strong representations, have unanimously passed the following Minute of Council:—

“We refer to our telegram of the 12th December† as an answer to the Secretary of State for the Colonies' message of the 18th instant,* that Newfoundland is not concerned in Canadian questions, and it is unjust that Her Majesty's Government should lend its aid to involve this Colony in the embittered controversies existing between Canada and the United States. Indirectly, Newfoundland has already suffered. Her Majesty's Government concurred in our separate negotiations, and we now appeal for the fulfilment of its undertaking. We emphatically protest against our arrangement being imperilled by the introduction of questions connected with Canada. Her Majesty's Government are in error as to the time when the arrangement with the United States would come into practical operation. The present is the season for the exporting the products of this Colony, and the only season for exporting frozen herrings. Every day's delay in signing the arrangement is a loss to the Colony.”

No. 38.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.
(Received December 29, 1890.)

MY LORD,

Government House, Ottawa, December 13, 1890.

I HAVE the honour to transmit to your Lordship a copy of an approved Minute of the Privy Council on the subject of the recent negotiations between a Delegate from the Government of Newfoundland and the Administration of the United States for a convention relating to the fisheries and commerce of those two countries.

This Minute of Council is substituted for the one referred to in my telegram to you of the 18th November.*

I have, &c.
(Signed) STANLEY OF PRESTON.

The Right Hon. Lord Knutsford,
&c. &c. &c.

Enclosure in No. 38.

Certified COPY of a REPORT of a COMMITTEE of the HONOURABLE the PRIVY COUNCIL, approved by his Excellency the GOVERNOR-GENERAL IN COUNCIL, on the 12th December, 1890.

THE Committee of the Privy Council have had under consideration a Report herewith attached, dated the 9th December, 1890, from the Sub-Committee of Council, to whom was referred a letter from the High Commissioner for Canada, dated the 31st October, 1890, on the subject of the recent negotiations between a Delegate from the Government of Newfoundland and the Administration of the United States, for a convention relating to the fisheries and commerce between the Colony of Newfoundland and the United States.

The Committee, concurring in the Report, recommend the same for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

REPORT.

(Extract.)

To his Excellency the GOVERNOR-GENERAL IN COUNCIL,

THE Undersigned have had referred to them a letter from the High Commissioner for Canada, dated the 31st October, 1890, on the subject of the recent negotiations between a Delegate from the Government of Newfoundland and the Administration of the United States for a convention relating to the fisheries and commerce between the Colony of Newfoundland and the United States.

The High Commissioner had been informed by telegram from your Excellency's First Minister, that the Honourable Mr. Bond, a member of the Newfoundland Government, was at Washington, and seemed to have announced that he had authority from the Imperial Government to make a separate Fishery treaty for his Government, and the High Commissioner was asked to ascertain the truth and enter protest. He was referred to the New York and Boston papers, which contained the information referred to.

The High Commissioner wrote to Sir Robert Herbert on the 22nd October, intimating that he had received such a telegram from the Premier of Canada, and on the 23rd October, Mr. Bramston addressed the High Commissioner, in reply, as follows:—

"I am directed by Lord Knutsford to acquaint you that a telegram, dated the 6th instant, has been received from Her Majesty's Minister at Washington by the Secretary of State for Foreign Affairs, of which the following is the purport:

"With reference to your despatch of the 10th ultimo, introducing Mr. Bond, I have presented that gentleman to Mr. Secretary Blaine, and negotiations are now going on with a view to an independent arrangement between the United States and Newfoundland relating to the fisheries. Before negotiations go further, I would suggest that the Government of Canada might be informed of them, as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia."

The High Commissioner, in a letter to the Right Honourable Lord Knutsford, Her Majesty's Principal Secretary of State for the Colonies, dated the 27th October, set forth the telegram he had received from the First Minister of Canada and the letter from Mr. Bramston, and followed with certain observations, thus:—

* No. 28.

"I believe I am right in saying that, in reference to the question of the Atlantic and North American fisheries, Her Majesty's Government has hitherto invariably recognized the importance of obtaining unity of action, as far as was possible, on the part of all the Colonies interested. In the treaty of Reciprocity with the United States, in 1854, the consent of Newfoundland, as well as the various Provinces of Canada, was made necessary to its going into operation, and the same course was followed, subsequent to Confederation, in reference to the Treaties of 1871 and 1888.

"I learn with deep regret that this obviously sound policy has not only been departed from, but that while Newfoundland has on previous occasions been fully advised as to negotiations that were to be undertaken, Her Majesty's Government have, without any intimation to Canada of what was proposed, authorized, so long ago as the 10th September, Newfoundland to open negotiations for a separate treaty with the United States, and that the first communication to Canada is a suggestion from Sir J. Pouncefote not to include Canada in the proposed arrangement, but that the Government of Canada might be informed of them, as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia, *i.e.*, for a treaty independent of the other Provinces of Canada.

"I should fail in my duty to the Crown as well as to Canada if I did not promptly assure your Lordship that I feel confident the difficulties of the vexed question of the British North American fisheries will be greatly increased by the wide departure that is now proposed from the long-established policy that has hitherto prevailed upon this very important question."

The High Commissioner having communicated to the First Minister the despatch from Mr. Bramston of the 23rd October above set forth, a telegram was sent to him by the First Minister as follows:—

"Can scarcely believe Newfoundland has received authority from Imperial Government to make separate arrangements respecting fisheries. The relations of all the North American Provinces to the United States and to the Empire would be affected. We are not informed of powers given to Bond, and desire communication of them. Please represent strongly how the fishery and commercial interests of Canada will be injured by such an arrangement as Bond is currently reported as making, and how disastrous, from a national point of view, it would be for a separate Colony to effect an arrangement with the United States more favourable than would be given to the Confederated Provinces. Our difficulties under the new American Tariff are sufficiently great now."

Your Excellency was, on the same day, moved to request from Lord Knutsford communication of the authority possessed by Mr. Bond, and likewise to urge that no arrangement be concluded until your Government should be informed of the nature thereof, and unless Canada should be given an opportunity to be included therein if she should so desire.

It appears also that the High Commissioner waited on Lord Knutsford personally, and expressed at large the views which are indicated in his letter of the 27th October.

About the 15th November last, it transpired that a draft convention between Newfoundland and the United States of America had been prepared in the following terms:—

"ARTICLE I.

"United States vessels to have privilege of purchasing bait in Newfoundland on the same conditions as Newfoundland vessels, and to be allowed to touch and trade, sell their fish and oil, and procure supplies, paying same dues as Newfoundland vessels, and conforming to the harbour regulations.

"ARTICLE II.

"Facilities shall be given for recovering in United States Courts of the penalties incurred under bonds by United States citizens.

"ARTICLE III.

"United States admit, duty free, Newfoundland codfish, cod oil, seal, and herrings, salmon, lobsters, &c., and crude produce of mines.

“ARTICLE IV.

“Convention to continue for ten years and thereafter from year to year, subject to a year’s notice.”

It may be necessary at this stage to call the attention of your Excellency and of Her Majesty’s Principal Secretary of State for the Colonies to sum up the grounds on which your Excellency’s advisers feel bound to remonstrate against the separate arrangement being made between the United States and one of the British North American Provinces to the exclusion of the others, relating to the fisheries and commerce.

From the earliest period in the history of the North American Fishery question down to the opening of the negotiations with Mr. Bond, Her Majesty’s Government has invariably recognized the fact that the interests of all her possessions in British North America with regard to the fisheries were bound up together, and could only be properly dealt with on a basis common to all.

This view has prevailed at every step in the diplomacy and in administration, the two great points on which the Atlantic Fishery question has always turned being the competition in fishing between British subjects and foreigners, and the question of access to the markets of the United States for sale of the fish caught by British subjects.

In early times the negotiations which took place between Great Britain and foreign countries concerning the fisheries had chiefly in view the bank fisheries off the coast of Newfoundland, the prosecution of which was immensely facilitated by the obtaining of supplies and outfits in the Island of Newfoundland and on the coast of some of the provinces now forming part of Canada. These fisheries, with that adjunct, were regarded as the principal object to be secured and established in any arrangement made by Great Britain and the great object aimed at by the United States and France.

By the treaty of 1778 between France and the United States (Article X) provision for the fishery rights on the banks of Newfoundland were stipulated for by France and guaranteed by the United States.

The United States took care to stipulate for the enjoyment of these fisheries by the treaty of 1783.

It was to establish the successful prosecution of these fisheries by her people that France incurred such enormous expenditures in fortifying Louisburg and in retaining possessions in North America, and that the New England Colonies, by two successive expeditions, accomplished the capture of Louisburg, and thereby achieved a success which was described as having counterbalanced all the disasters which had fallen upon the British arms in Europe.

It was with the same view that Lord North in 1775 introduced his Bill to prevent the inhabitants of the New England States from fishing on the banks, although it has now long since been conceded that these fisheries themselves are open to all nations.

The IIIrd Article of the treaty of Paris (1783) dealt in a single paragraph with “*such part of the coast of Newfoundland as British fishermen use, and also the coasts, bays, and creeks of all of His Britannic Majesty’s dominions in America.*”

When the treaty of Ghent was being negotiated, in 1814, the bank fisheries were being extensively prosecuted by both American and Colonial fishermen. The Americans, however, adopted the policy, which they will doubtless presently revive (if such a convention as that proposed be adopted), of granting a bounty to aid their own fishermen and establishing customs duties against all others.

From 1815 to 1818 the bounty paid in the United States to fishermen rose from 1,811 dollars to 149,000 dollars, and after the convention of 1818 it continued to rise, until, in 1838, it was upwards of 314,000 dollars.

On the 17th June, 1815, Lord Bathurst conveyed to Vice-Admiral Sir Richard G. Keats the command of His Royal Highness the Prince Regent, that while he was to abstain from interfering with the fisheries in which the subjects of the United States might be engaged, either on the grand banks, the Gulf of St. Lawrence, or other places in the sea, he should “*exclude their fishing-vessels from the bays, harbours, creeks, and inlets of His Majesty’s possessions.*” His Lordship, in writing to the Governor of Newfoundland, said, “The subjects of the United States can have no pretence to any right to fish within British jurisdiction, or to *use the British territory for purposes connected with the fisheries.*”

When the treaty of 1818 was made, although a special privilege was given to United States' fishermen of fishing on certain parts of the coast of Newfoundland, of the Magdalen Islands, and of Labrador, in all other respects the fishermen of all the British Provinces received the same protection, and its provisions were made in the interests of all alike, especially those by which United States fishing-vessels were prohibited from entering the bays and harbours of British North America to obtain facilities in the prosecution of the fisheries.

The Imperial Statute of 1819, which was passed to make this treaty effective (59 Geo. III, cap. 38), as well as all the Acts passed for the same purpose in the British North American Provinces, followed the same principle, and were uniform as to their substance and spirit.

The treaty of Reciprocity of the 5th June, 1854, made provisions as to the fisheries and commerce which were common to all the Provinces. The rights which it gave to United States fishermen were rights in all the fisheries of British North America, and the commercial concessions made by the United States were made in favour of all the British North American Provinces which were willing to accept them.

In the Washington treaty of 1871, although Canada was represented among Her Majesty's Plenipotentiaries and Newfoundland not represented, there was an express provision, by Article XXXII, that the treaty provisions relating to the fisheries and commerce which applied to Canada and Prince Edward Island, should extend to the Colony of Newfoundland, so far as applicable.

The Washington treaty of 1888 included Canada and Newfoundland under one provision, although, as before, Her Majesty's Commission to her Plenipotentiaries did not include a Representative from the Colony of Newfoundland, but included a Representative from Canada.

The *modus vivendi* attached to the treaty was common to both Canada and Newfoundland, and, until the fishing season of 1890, was kept in force by both countries; the licences issued to American fishermen by Canada being recognized in Newfoundland, and those issued in Newfoundland being recognized in Canada.

On at least two occasions there were strong expressions from Her Majesty's Government to indicate that any policy not common to all the British North American Provinces would not receive the approval of that Government.

The first of these instances occurred in 1868. A Committee of the House of Representatives at Washington was appointed in that year, "to inquire and report at the next session of Congress the fullest and most reliable information they could obtain in regard to the Colony of Prince Edward Island, including particularly whatever could be ascertained as to the kind and amount of imports and exports to and from the island, and the views and disposition, as well as authority, of the Colonial Government, to enter into any particular or exceptional arrangement or agreement, by legislative enactment, with the United States, conceding and securing such privileges as to fisheries on the coast as were contemplated" in a Resolution which had been referred to the Committee of Ways and Means for their Report, which Resolution looked in the direction of free trade between Prince Edward Island and the United States as a Return for fishing under a nominal licence fee, on the coast of the island, and for the right of American fishing vessels to enter for shelter, or to obtain supplies and to refit free of duty or impost.

The Committee of the House of Representatives proceeded to Prince Edward Island in the summer of 1868, and had a conference with the Executive Council of that Province on the subject of the Resolution. Certain propositions were made by the Congressional Committee, and were favoured by the Executive Council with slight modifications. The Executive Council made a favourable Report on the subject of the Conference, expressing hope that Her Majesty's Government would feel favourable to the propositions, although they related to Prince Edward Island only.

The Lieutenant-Governor, on the 27th August, 1868, communicated to the Duke of Buckingham and Chandos the Memorandum of his Council, and informed his Grace at the same time that he had "thought it right to express clearly, in writing to his Council, that a Colonial Government had no authority whatever to enter into any particular or exceptional arrangement or agreement with a foreign Power."

On the 30th September, 1868, the Duke of Buckingham and Chandos acknowledged the receipt of the Despatch from the Lieutenant-Governor which inclosed the Memorandum sent to him by his advisers, and stated that Her Majesty's Government entirely approved of the answer which the Lieutenant-Governor had made to his Council. Here the matter ended.

Another instance occurred in July 1887, when the American Minister at the Court

of St. James' communicated to Sir Ambrose Shea that, "should the Government of Newfoundland see fit to give notice that American fishermen be admitted to the ports of that Province for the purpose of obtaining supplies, the proposal would be cordially accepted and acted on by the Government of the United States. Her Majesty's Principal Secretary of State for the Colonies informed the Officer Administering the Government of Newfoundland, that no separate action should be attempted by the Newfoundland Government, in the direction suggested, without full previous communication with Her Majesty's Government."

These Documents were transmitted to your Excellency's predecessor. In the end, the attempt to negotiate a separate arrangement between the United States and Newfoundland was abandoned, and negotiations were opened with Her Majesty's Government on behalf of Newfoundland and Canada. This resulted in the Washington treaty of 1888, which was only defeated by want of concurrence on the part of the Senate of the United States. Since that time, the Governments of Newfoundland and Canada have acted in concert.

The Government of Newfoundland has repeatedly recognized the force of the view here contended for.

In an address to Her Majesty's Principal Secretary of State for the Colonies from the Legislative Council and House of Assembly in Newfoundland, dated the 18th May, 1886, after referring to the fact that the British fishermen engaged in the prosecution of the cod fisheries had great advantages over American fishermen under the convention of 1818, and after stating further that the United States had abrogated the treaty of Washington and renewed the impost on fishery products of British Colonies, the following expression, which may now be aptly applied to the prospects of the Canadian fishermen if a separate arrangement should be made for Newfoundland, was used :—

"If we supinely assent to this course, we shall provide these (our rivals) with the means of shutting us entirely out of the United States markets."

In a Despatch dated the 14th January, 1887, from Governor Sir G. Des Vœux to Mr. Stanhope, the former well described the position in which Newfoundland fishermen would be placed if obliged to furnish bait to foreign fishermen who would be in competition with them in the markets of the foreign country, while these markets were practically closed to the products of British fisheries. He says: "It is evident that Newfoundland is thus furnishing the means of its own destruction."

Further on, in the same Despatch, the writer states: "I have very good reasons for believing that, as regards the United States, the right of obtaining bait would be restored on the opening of the American markets to Newfoundland fish, or (if common cause be made with Canada) to all British fish."

Referring in a subsequent passage to the Canadian Statute passed in 1887 for the enforcement of the treaty of 1818 by the exclusion of American fishing-vessels, except for the purposes for which they were allowed to enter, under the convention of 1818, his Excellency said: "I may mention, as probably having escaped notice, that this object will, to a large extent, fail to be secured if a similar measure in this Colony should not be enforced, as *it is not impossible that the Americans could afford to disregard the prohibition of bait supply on the Canadian coast if they were assured of being able to procure the bait they require on the coast of Newfoundland. The interests of Canada and of this Colony being thus to this extent identical*, it is not difficult to foresee that any further delay in the allowance of the bill would give rise to the strongest pressure on the part of the Canadian Government."

In a letter from Sir Robert Thorburn, Premier of Newfoundland, to Her Majesty's Principal Secretary of State for the Colonies, dated 27th April, 1887, on the subject of the Newfoundland Bait Act and of the remonstrance of Canada against the same, which has been put forward on a supposition that Canadian fishermen would be put in the position of foreign fishermen by that Act, in being obliged to pay for licences, Sir Robert Thorburn said that the inference drawn by Sir G. W. Des Vœux in his Despatch relative to the Bait Bill, that Canada would suffer from its disallowance, inasmuch as American and other foreign fishermen would continue to procure their bait supplies in Newfoundland waters, particularly if excluded from this privilege in Canadian waters, seemed a perfectly clear conclusion, and served practically to illustrate *the desirability of British fishermen retaining the undivided control of so important an element as the bait supply*, giving them vantage ground over their bounty-sustained rivals.

When the Arbitration took place at Halifax to settle the compensation to be paid by the United States under the treaty of Washington, the British case was presented

by an agent of Her Majesty's Government, in consultation with counsel from Newfoundland as well as from the Provinces of Canada.

The following is an extract from that case which will serve to indicate the value of the privileges which were supposed to be accorded to United States fishermen by the treaty of 1871, of procuring bait and of making Newfoundland the basis of operations, while the disadvantages to Newfoundland fishermen which are there set forth affect equally Canadian fishermen who pursue their vocation in the bank and deep sea fisheries:—

“Apart from the immense value to the United States fishermen of participation in Newfoundland inshore fisheries must be estimated the important privilege of procuring bait for the prosecution of the bank and deep sea fisheries, which are capable of unlimited expansion. With Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, &c., and almost continuous prosecution of the bank fisheries secured to them. By means of these advantages, United States fishermen have acquired, by the treaty of Washington, all the requisite facilities for increasing their fishing operations to such an extent as to enable them to supply the demand for fish food in the United States markets, and largely furnish the other fish markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters. . . .

“Not only are the United States fishermen almost entirely dependent on the bait supply from Newfoundland, now open to them, for the successful prosecution of the bank fisheries, but they are enabled, through the privileges conceded to them by the treaty of Washington, to largely increase the number of their trips, and thus considerably augment the profits of the enterprise.”

Attention may now be called to the action of the United States Administration in the present year.

By the adoption of the Tariff measure which is popularly known as the “McKinley Act,” the customs duties of the United States are greatly increased on nearly all Canadian products (including fresh fish, unless caught in vessels or by nets owned by American citizens). While this measure is in force, and is avowed to be designed to teach Canadians that they cannot avail themselves of the markets of the United States while they continue their allegiance as British subjects, a separate Arrangement with Newfoundland would practically dissolve the protection given by the treaty of 1818, by enabling American fishing-vessels to have access to the ports of Newfoundland as a base of supplies and for the purpose of transshipping their cargoes. The protection afforded by that treaty for upwards of seventy years would thus be taken away from Canadian fishermen and Newfoundland fishermen alike, but there would be special compensation to the fishermen of Newfoundland in the shape of removal of duties, while the Canadian fishermen would be made to pay enhanced duties under the new American Tariff. While this would, perhaps, be the most effectual method of impressing on the minds of the Canadian people the lesson that they cannot be British subjects and enjoy American markets, Her Majesty's Government can hardly, on reflection, feel surprised that your Excellency's Government have not for a moment believed that Her Majesty's Ministers would co-operate with the authorities of the United States in inculcating such a lesson at the present time.

The subject has also to be viewed to some extent in connection with the question of the Confederation of the Provinces. The union which was effected, in accordance with the strong desire of Her Majesty's Government, in 1867, has always been viewed with unfriendly feelings by a large portion of the people in the United States, who continue, with great reason, to regard it as a means of consolidating British power in North America. The Confederation Provinces, at great sacrifices, have striven to accomplish that object; they have made progress in the direction of its accomplishment, of which they feel some pride, but they are now threatened with being placed in a worse position, as regards some of the most important interests of their commerce, than the one Colony in British North America which has remained outside of the union.

The Administration of the United States has long been aware that the Government of Canada is willing to enlarge the trade relations between the two countries by a system of reciprocity. That intention has so often been announced, in offers from the Canadian Government, in proposals put forward by negotiations, in Customs legislation and in public declarations of responsible Ministers, that the authorities of the United States have from time to time resented what has been considered the importunity of Canada in this regard. Her Representatives have often reproached Canada with being

unable to maintain existence without reciprocity, and asserted that the livelihood of her people is dependent on Tariff concessions from the United States. Canada has been constantly accused, by public men in the United States, of adopting a severe policy in asserting her fishery rights in order to force negotiations for the extension of trade.

Her Majesty's Principal Secretary of State for the Colonies may, perhaps, with propriety, be reminded, on this occasion, that the complaint constantly put forward against Canada in the United States is, that Canada denies hospitality in her ports to American vessels, which is not denied to Canadian vessels in United States ports. When the treaty of 1818 was negotiated the abstention by American fishing-vessels from using British ports, except for shelter, repairs, wood, and water, was conceded by the United States negotiators in return for the right to fish in-shore on parts of the coasts of Newfoundland and Labrador, and on all the coasts of the Magdalen Islands. This privilege, so rarely accorded by the people of one country to the people of another, was boasted of by the American negotiators, after the treaty of 1818 was signed, as having secured to the United States the most valuable fisheries on the British American coast.

The people of the United States have made no proposal to relinquish that benefit, but they complain that the concession by which it was purchased should be enforced.

It seems necessary also to remind Her Majesty's Principal Secretary of State for the Colonies of the peculiar position in which British and Canadian fishing interests will be placed by such a convention as that proposed, in view of the Bait Act of Newfoundland. Under that Act and the regulations made by the Government of Newfoundland, under powers conferred on them by it, no fishing-vessel can enter the ports or harbours of Newfoundland to obtain bait without a licence, which can only be obtained under very onerous restrictions, which exact, among other things, a very heavy licence fee. His Lordship will remember that that Act was only allowed by Her Majesty's Government to go into operation after the most distinct written pledges given by members of the Newfoundland Government and by its Representatives that no licence fee would be exacted from Canadian fishermen. During the fishing season of last year that pledge was not observed, and the same fee which was charged to foreign vessels was exacted from Canadian fishermen. His Lordship will remember that the attention of Her Majesty's Government has already been drawn to this subject by Minute of Council of your Government; and that, on a subsequent occasion, in the month of August last, the High Commissioner for Canada and the Minister of Justice had an interview with his Lordship, in the presence of two Delegates from the Newfoundland Government, in which, on behalf of Canada, this whole subject was presented again, and in the course of which his Lordship was good enough to urge upon the Delegates from Newfoundland that their Government should keep faith, when that faith had been so distinctly pledged. The Delegates from the Newfoundland Government present at that time professed ignorance of the pledges which had been given until they had communication of them in London; but they assured his Lordship that the attention of their Government would be given to the matter immediately, with a view and desire to carry out the promises which had been made. The fulfilment of this renewed promise and the exemption of Canadian fishermen from the provisions of the Bait Act would not lessen any of the objections which have been stated in this Report; but it seems necessary to remind Her Majesty's Principal Secretary of State for the Colonies that if this promise should still go unfulfilled, and the draft convention be adopted, the singular case would be presented of one Colony of the Empire admitting foreign vessels to privileges in her ports and excluding the vessels of the neighbouring Colonies as well as of the mother country from the like privileges.

Respectfully submitted,
(Signed)

JNO. S. D. THOMPSON,
Minister of Justice.

CHARLES H. TUPPER,
Minister of Marine and Fisheries.

Ottawa, December 9, 1890.

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No. 39.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received December 29, 1890.)

TELEGRAPHIC.

THE Colonial Secretary has returned from Washington, and has brought with him a copy of the convention which has been arranged with the United States. My Ministers approve of this Convention, which has been referred to in the former telegrams which have passed on this subject; and they assume that there is now no obstacle to its immediate signature, thus carrying out the undertaking of Her Majesty's Government that this Colony might enter into a separate arrangement with the United States.

Delay in concluding the convention is seriously prejudicial to the trade relations between this Colony and the United States, and public opinion is strongly agitated upon the subject.

Ministers therefore pray that immediate instructions be given to Her Majesty's Minister at Washington to sign the convention, and they anxiously await a speedy reply.

No. 40.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

(Extract.)

January 1, 1891. Received your Telegram of 29th December.* Information required by telegraph as to modifications of convention conceded to United States Government.

No. 41.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received 3rd January, 1891.)

TELEGRAPHIC.

(Extract.)

REFERRING to your Telegram of 1st January.† Executive Council do not understand meaning of modifications, and they cannot suppose that Her Majesty's Government will intervene objections.

No. 42.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, January 7, 1891.

WITH reference to my letter of the 18th ultimo,‡ I am directed by the Marquis of Salisbury to transmit herewith, to be laid before Secretary Lord Knutsford, a paraphrase of a Telegram from Her Majesty's Minister at Washington, reporting the substance of a counter-draft which has been communicated to him by Mr. Blaine for an arrangement of trade and fishery questions between the United States and Newfoundland.

The Under-Secretary of State,
Colonial Office.

I am, &c.
(Signed) T. V. LISTER.

Enclosure in No. 42.

PARAPHRASE of a TELEGRAM from SIR J. PAUNCEFOTE.

Washington, January 6, 1891.

WITH reference to my Telegram of the 17th ultimo* on the subject of the negotiations with the United States Government in regard to Newfoundland, I have the honour to report to your Lordship that, at an interview which I had yesterday with the Secretary of State in consequence of an invitation from him, Mr. Blaine communicated to me a counter-draft, which, he stated, the United States Government would not be unwilling to accept, although they were not anxious for the arrangement.

Mr. Blaine's counter-draft is confined to the free admission of fish as against the free purchase of bait, and to insuring that the existing tariff on certain American imports shall remain in force, and that the benefit of any diminution shall be secured. Crude minerals are struck out of the list of articles named in the counter-draft.

I am sending home by to-day's mail a copy of the counter-draft and a Report of my interview with Mr. Blaine.

No. 43.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

13th January, 1891. With reference to your telegram of 3rd January,† Mr. Blaine on 6th January communicated to Her Majesty's Minister at Washington a counter-draft of a convention between Newfoundland and the United States, which he said his Government would accept, though they were not anxious for the arrangement.

The draft is confined to the free admission of fish, with the exception of green codfish, in return for the free purchase of bait; and to securing that the existing Newfoundland duties and free list shall remain in force as to certain American imports; and that the United States shall have the benefit of any diminution of duties on such articles. Crude minerals have been struck out.

Her Majesty's Government will await the report on the arrangement and the copy counter-draft now on the way from Sir J. Pauncefote before considering the question further.

No. 44.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, January 13, 1891.

I AM directed by Lord Knutsford to request that Sir J. Pauncefote may be desired by telegraph to send direct to Newfoundland, as soon as possible, a copy of the counter-draft handed to him by Mr. Blaine.

I am, &c.

The Under Secretary of State,
Foreign Office.

(Signed) ROBERT G. W. HERBERT.

No. 45.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, January 14, 1891.

IN reply to your letter of yesterday,‡ I am directed by the Marquis of Salisbury to state that, in compliance with Lord Knutsford's wishes, Her Majesty's Minister at Washington has been instructed by telegraph at once to communicate to the Government of Newfoundland a copy of the counter-draft convention handed to him by Mr. Blaine.

* Enclosure in No. 36.

† No. 41.

‡ No. 44.

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He has also been requested to furnish a copy of the same document to the Canadian Government.

The Under Secretary of State,
Colonial Office.

I am, &c.
(Signed) T. H. SANDERSON.

No. 46.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received January 17, 1891.)

TELEGRAPHIC.

REFERRING to your telegram of the 13th January.* My Government request me to forward to your Lordship the following telegram: My Ministers have received with profound regret the intimation of Her Majesty's Government that crude minerals have been struck out of the convention agreed to between the United States Government and Mr. Bond, and this great misfortune can only be attributed to the unaccountable delay on the part of Her Majesty's Government in signing the draft convention. Her Majesty's Government are in error in supposing that the counter-draft convention was communicated to Minister at Washington for the first time on the 6th January. The said counter-draft was communicated to British Minister by Mr. Blaine through Mr. Bond on the 16th December, and my Colonial Secretary was authorized by Mr. Blaine and did inform British Minister that Mr. Blaine was prepared to sign immediately. There was at first a special condition attached to minerals definition, but that condition was fulfilled, and an assurance was given by Mr. Blaine that he would agree to the insertion of the same. The delay that has occurred has afforded time for opposition to be aroused in Western States, and doubtless Mr. Blaine now finds himself compelled to strike out the definition. This means a very serious loss to the Colony, and it is with deep regret that my Ministers must attribute it to the incomprehensible delay of Her Majesty's Government. My Government are fully aware of the interference of Canada in this matter, and they look upon same, as it has apparently met with the approval of Her Majesty's Government, as a menace to the independence of this Colony. They again respectfully but firmly protest against the affairs of this Colony being in any way subject to the approval or disapproval of the Canadian Government. They would repeat that Canadian interests are not similar to those of this Colony, which was the reason given to Her Majesty's Government for separate negotiations by this Colony and the grounds upon which Her Majesty's Government assented. My Government are aware that the United States Government are not anxious to enter into a reciprocity treaty with this Colony, and Mr. Bond found it necessary to elicit the sympathy of the great commercial centres of New York and Boston before he succeeded in accomplishing the object of his mission. This lack of anxiety on the part of United States Government emphasizes the necessity for speedy action on the part of Her Majesty's Government if the desire of this Colony is to be accomplished. The receipt of your Lordship's telegram has postponed a crisis in reference to this matter, and my Government would now respectfully but firmly urge upon Her Majesty's Government the necessity for speedy action. Further delay may mean the total withdrawal by the United States Government of the counter-draft, and a collapse of this business after its having been arranged to the satisfaction of this Colony. Such a calamity will doubtless intensify the feeling caused by grievous injustice to which this Colony has been so long subjected.

No. 47.

SIR J. PAUNCEFOTE to the MARQUIS OF SALISBURY.

MY LORD,

Washington, December 26, 1890.

IN my telegram of the 17th instant† I reported the departure from Washington of Mr. Bond, the Colonial Secretary of Newfoundland. The first interview with Mr. Blaine took place on the 29th ultimo. I was present, at the request of Mr. Blaine, and the conversation was confined to statistical information supplied by Mr. Bond.

* No. 43.
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† Enclosure in No. 26

On taking our leave Mr. Blaine said he would be glad to see us in a day or two, and would make an appointment for the purpose. But although I twice reminded him of his promise, we heard no more from him for a fortnight, after which time Mr. Bond became impatient, and, with his approval, I asked Mr. Blaine whether he thought it necessary to detain him any longer.

Mr. Blaine replied in the negative, but begged me to ask Mr. Bond to call on him at his house before his departure, and appointed Monday morning, the 15th. Mr. Blaine said nothing about my coming also, and I understood that the object of the visit was only to wish Mr. Bond good-bye.

Mr. Bond called on me on the 16th and informed me, somewhat to my surprise, that he had had several long interviews with Mr. Blaine, which had resulted in the remodelling of the draft convention originally prepared by me, and he handed me a copy of a new draft, which he said would be most acceptable to Newfoundland, and which Mr. Blaine was prepared to accept also.

He was not sure, however, whether the words interpolated in Article II of the draft, namely, "and crude copper ores the product of Newfoundland mines," would be allowed to stand, but he was to see some members of the Chamber of Commerce of Boston on his way home, and would communicate with me further by telegram on the subject. I told Mr. Bond that I would keep the draft for reference in case Mr. Blaine should make any proposal to me founded upon it, but that I could take no cognizance of anything that might have passed between him and Mr. Blaine by way of negotiation in my absence. This Mr. Bond readily admitted, but said he had no doubt that Mr. Blaine would communicate the draft to me as a counter-proposal. I replied that in that case all I could do would be to transmit Mr. Blaine's communication to your Lordship. Mr. Bond dwelt very much on the hardship that would be inflicted on the Colony by any delay in accepting Mr. Blaine's proposal, and on the exasperation which would be produced there by the refusal of Her Majesty's Government to grant this measure of relief to the sorely tried colonists.

I explained to him that I had no power to move further in the matter, and he left for Halifax, on his way back to Newfoundland, on the same evening.

On the 18th Mr. Bond telegraphed to me from Boston as follows: "Please insert copper clause in Article II."

Mr. Blaine mentioned incidentally a few days ago that he would be glad to have a talk with me by-and-bye about Newfoundland, but that is all I have heard from him up to this date on the subject.

I enclose a copy of the draft handed to me by Mr. Bond, and which he stated had been virtually agreed to between Mr. Blaine and himself.

I have, &c.

The Marquis of Salisbury, K.G.,
&c. &c. &c.

(Signed) JULIAN PAUNCEFOTE.

Enclosure in No. 47.

DRAFT CONVENTION between GREAT BRITAIN and the UNITED STATES OF AMERICA for the Improvement of COMMERCIAL RELATIONS between the UNITED STATES and HER BRITANNIC MAJESTY'S COLONY OF NEWFOUNDLAND.—(Received at the Foreign Office through Sir J. Pouncefote, January 7.)

THE Governments of Great Britain and of the United States, desiring to improve the commercial relations between the United States and Her Britannic Majesty's Colony of Newfoundland, have appointed as their respective plenipotentiaries, and given them full powers to treat of and conclude such convention, that is to say:

Her Britannic Majesty on her part has appointed Sir Julian Pouncefote, and the President of the United States has appointed, on the part of the United States, James G. Blaine, Secretary of State.

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

ARTICLE I.

United States fishing-vessels entering the waters of Newfoundland shall have the privilege of purchasing herring, caplin, squid, and other bait fishes at all times, on the

same terms and conditions, and subject to the same penalties, in all respects, as Newfoundland vessels.

They shall also have the privilege of touching and trading, selling fish and oil, and procuring supplies, in Newfoundland, conforming to the Harbour Regulations, but without other charge than the payment of such light, harbour, and customs dues as are or may be levied on Newfoundland fishing-vessels.

ARTICLE II.

Dry codfish, cod oil, seal oil, sealskins, herrings, salmon, trout, and salmon trout, lobsters, cod roes, tongues, and sounds, the product of the fisheries of Newfoundland, and crude copper ores, the product of Newfoundland mines, shall be admitted into the United States free of duty. Also all packages in which the said fish may be exported shall be admitted free of duty. It is understood, however, that "green" codfish are not included in the provisions of this Article.

ARTICLE III.

The officer of Customs at the Newfoundland port where the vessel clears shall give to the master of the vessel a sworn certificate that the fish shipped were taken in the waters of Newfoundland, which certificate shall be countersigned by the Consul or Consular Agent of the United States.

ARTICLE IV.

When this convention shall come into operation, and during the continuance thereof, the duties to be levied and collected upon the following enumerated merchandize imported into the Colony of Newfoundland from the United States shall not exceed the following amounts, viz. :—

Flour, 25 c. per barrel.

Pork, 1 dol. 50 c. per barrel of 200 lbs.

Bacon and hams, tongues, smoked beef, and sausages, 2½ c. per lb., or 2 dol. 50 c. per 112 lbs.

Beef, pigs' heads, hocks, and feet, salted and cured, 1 dollar per barrel of 200 lbs.

Indian meal, 25 cents per barrel

Peas, 30 cents per barrel.

Oatmeal, 30 cents per barrel of 200 lbs.

Bran, Indian corn, and rice, 12½ per cent. *ad valorem*.

Salt, in bulk, 20 cents per ton of 2,240 lbs.

Kerosine oil, 6 cents per gallon.

And the following articles imported into the Colony of Newfoundland from the United States shall be admitted free of duty :—

Agricultural implements and machinery imported by Agricultural Societies for the promotion of agriculture.

Crushing mills for mining purposes.

Raw cotton.

Corn for the manufacture of brooms.

Gas engines, when protected by patent.

Ploughs and harrows.

Reaping, raking, ploughing, potato-digging, and seed-sowing machines to be used in the Colony.

Printing presses and printing types.

ARTICLE V.

It is understood that if any reduction is made by the Colony of Newfoundland, at any time during the term of this convention, in the rates of duty upon the articles named in Article IV of this convention, the said reduction shall apply to the United States.

ARTICLE VI.

The present convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the

Senate thereof, and the ratifications shall be exchanged at Washington on the 1st day of February, 1891, or as soon thereafter as practicable.

Its provisions shall go into effect thirty days after the exchange of ratifications, and shall continue and remain in full force for the term of five years from the date at which it may come into operation, and further until the expiration of twelve months after either of the Contracting Parties shall give notice to the other of its wish to terminate the same, each of the Contracting Parties being at liberty to give such notice to the other at the end of the said term of five years, or at any time afterwards.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at Washington, this day of , in the year of our Lord 1890.

No. 48.

SIR JULIAN PAUNCEFOTE to the MARQUIS OF SALISBURY.

(Extract.)

MY LORD,

Washington, January 6, 1891.

WITH reference to previous correspondence respecting trade relations between the United States and Newfoundland, and to my telegram of the 17th ultimo* reporting the departure from Washington of the Honourable R. Bond, the Colonial Secretary of Newfoundland, I have the honour to inform your Lordship that I was this day requested by the Secretary of State to call on him at the State Department to receive a communication from him on the subject.

At this interview Mr. Blaine said that after considering the information supplied to him by Mr. Bond, and the wishes of the Newfoundland Government which I had privately placed before him at his request last October in the form of a draft convention, he was unable to accept the proposed arrangement in its entirety, but that he had framed a counter-draft, of which he delivered a copy to me, showing to what extent, and on what conditions, his Government were disposed to go in the direction of commercial reciprocity with the Colony.

I have the honour to enclose a copy of that document.

* * * * *

I informed Mr. Blaine, in reply, that I would transmit the draft and report the substance of his observations thereon to your Lordship by the first opportunity.

I have, &c.

The Marquis of Salisbury, K.G.,
&c. &c. &c.

(Signed) JULIAN PAUNCEFOTE.

Enclosure in No. 48.

CONVENTION between GREAT BRITAIN and the UNITED STATES OF AMERICA for the IMPROVEMENT OF COMMERCIAL RELATIONS between the UNITED STATES and HER BRITANNIC MAJESTY'S COLONY OF NEWFOUNDLAND.

THE Governments of Great Britain and the United States, desiring to improve the commercial relations between the United States and Her Britannic Majesty's Colony of Newfoundland, have appointed as their respective Plenipotentiaries, and given them full powers to treat of and conclude such convention, that is to say:

Her Britannic Majesty on her part has appointed Sir Julian Pauncefote; and the President of the United States has appointed on the part of the United States James G. Blaine, Secretary of State.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

ARTICLE I.

United States fishing vessels entering the waters of Newfoundland shall have the privilege of purchasing herring, caplin, squid, and other bait fishes at all times on the

* Enclosure in No. 36.

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same terms and conditions, and subject to the same penalties, in all respects as Newfoundland vessels.

They shall also have the privilege of touching and trading, selling fish and oil, and procuring supplies in Newfoundland, conforming to the harbour regulations, but without other charge than the payment of such light, harbour, and customs dues as are or may be levied on Newfoundland fishing vessels.

ARTICLE II.

Dry codfish, cod oil, seal oil, sealskins, herrings, salmon, trout and salmon trout, lobsters, cod roes, tongues, and sounds, the product of the fisheries of Newfoundland, shall be admitted into the United States free of duty. Also all hogsheads, barrels, kegs, boxes, or tin cans, in which the articles above named may be carried, shall be admitted free of duty. It is understood, however, that "green" codfish are not included in the provisions of this Article.

ARTICLE III.

The officer of the Customs at the Newfoundland port where a vessel laden with the articles named in Article II clears shall give to the master of said vessel a sworn certificate that the fish shipped were taken in the waters of Newfoundland; which certificate shall be countersigned by the Consul or Consular Agent of the United States, and delivered to the proper officer of Customs at the port of destination in the United States.

ARTICLE IV.

When this convention shall come into operation, and during the continuance thereof, the duties to be levied and collected upon the following enumerated merchandize imported into the Colony of Newfoundland from the United States shall not exceed the following amounts, viz. :—

Flour	..	..	..	..	..	25 cents per barrel
Pork	..	..	..	..	..	1½ cents per lb.
Bacon and hams, tongues, smoked beef and sausage	..	..	..	..	..	2¼ cents per lb., or 2 dol. 50 c. per 112 lbs.
Beef, pig's heads, hocks, and feet, salted or cured	..	..	..	..	..	½ cent per lb.
Indian meal	..	..	..	..	..	25 cents per barrel.
Peas	..	..	..	..	..	30 cents per barrel.
Oatmeal	..	..	..	..	..	30 cents per barrel of 200 lbs.
Bran, Indian corn, and rice	..	..	..	..	..	12½ per cent. <i>ad valorem</i> .
Salt	..	..	..	..	..	In bulk, 20 cents per ton of 2,240 lbs.
Kerosine oil	..	..	..	..	..	6 cents per gallon.

And the following articles imported into the Colony of Newfoundland from the United States shall be admitted free of duty :—

Agricultural implements and machinery imported by agricultural societies
for the promotion of agriculture.
Crushing mills for mining purposes.
Raw cotton.
Corn for the manufacture of brooms.
Gas engines when protected by patent.
Ploughs and harrows.
Reaping, raking, ploughing, potatoe-digging, and seed-sowing machines to
be used in the Colony.
Printing presses and printing types.

ARTICLE V.

It is understood that if any reduction is made by the Colony of Newfoundland, at any time during the term of this convention, in the rates of duty upon the articles named in Article IV of this convention, the said reduction shall apply to the United States.

ARTICLE VI.

The present convention shall take effect as soon as the laws required to carry it into operation shall have been passed by the Congress of the United States on the one hand, and by the Imperial Parliament of Great Britain and the Provincial Legislature of Newfoundland on the other hand. Such assent having been given, the convention shall remain in force for five years from the date at which it may come into operation, and further until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of five years, or at any time afterwards.

ARTICLE VII.

This convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington on the 1st day of February, 1891, or as soon thereafter as practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done in duplicate, at Washington, this day of , in the year of our Lord One thousand eight hundred and .

No. 49.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

23rd January, 1891. I request that you will inform your Ministers confidentially that as, after rejection by France of all their proposals, they decline to concur in arbitration, and refuse to legislate for *modus vivendi* while French rights are being ascertained, Her Majesty's Government feel compelled to maintain the position they have taken up, both as regards commencing negotiations with France for arbitration, and as to deferring the ratification of the draft Convention with the United States until its effect on other British interests has been considered. But looking to depressed condition of the Colony and the importance of opening up its resources, they are now prepared to accept in principle Imperial guarantee of a loan for railway construction, as asked by Delegates. They desire further information as to direction, extent, and probable cost of lines, and the probable amount of loan required.

In order to satisfy Imperial Parliament, a previous inquiry by a competent person into the merits of the proposed railway would be necessary, and security afforded perhaps by the creation of an independent Commission that the loan will be expended to the best advantage of the Colony.

No. 49 A.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

TELEGRAPHIC.

23rd January, 1891. I have to inform you that Her Majesty's Government have given fullest consideration to the representations of Canada against the proposed Newfoundland convention. As Canadian negotiations with the United States could not, even in the absence of the further delay arising from the dissolution of the Dominion Parliament, be commenced before March, and may not be carried through this year, Newfoundland interests should not be indefinitely postponed.

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No. 50.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.
(Sent 4.50 p.m., January 23, 1891.)

TELEGRAPHIC.

(Extract.)

I HAVE received your telegram of the 17th instant* respecting the delay in proceeding with the convention. Its tone is not justified. I have already explained that the effect of the convention on Canadian interests must be fully considered, and further examination has shown that the probable effect would be more serious than was at first supposed. The question, therefore, cannot be disposed of as speedily as Her Majesty's Government had originally anticipated and desired.

If Canada assents, the difficulty now standing in the way of the ratification of the convention with the United States would be speedily removed.

No. 51.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

9th February. Her Majesty's Government are willing to act on my telegram of the 23rd January,† and, as also pointed out in that message, it will be necessary, in order to justify their action to Parliament, to have a Commission sent out—

1. To inquire into the agricultural, mining, and other resources of the Colony, and the manner in which they may best be developed;

2. To inquire into and report upon the general financial condition of the Colony;

3. To inquire into and report upon the present condition of the population resident on or near the parts of the coast on which the French have rights of fishery, and to ascertain in what particular respects the Treaty obligations of Great Britain and the Colony may have operated to the prejudice of that population; and, further, to report by what remedies consistent with those obligations, and with the rights and interests of other portions of the Empire it may be practicable to remove the disadvantages under which the inhabitants of the Colony labour.

If your Government accepts this Commission, Her Majesty's Government will propose to Parliament the legislation already indicated.

It will be necessary at the same time to satisfy Parliament that proper measures are being taken for adjusting the controversy with France, and that the Colony is co-operating with Her Majesty's Government for that purpose.

No. 52.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

9th February, 1891. I regret to inform you that Her Majesty's Government are still unable to depart from the conclusion announced to you on the 10th December‡ that the proposed Convention cannot be concluded until it has been proved that it would not prejudice other British interests.

Your Ministers are aware that this consideration has always been held to be of vital importance, and that on all previous occasions the interests of Newfoundland have been advocated by Her Majesty's Government in conjunction with those of Canada. Her Majesty's Government are, therefore, not at present in a position to proceed with the proposed Convention. I shall explain further by despatch some points which your Government does not appear correctly to appreciate.

* No. 46.
[164]

† No. 49.

‡ No. 33.

No. 53.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received February 10, 1891, 4.15 p.m.)

TELEGRAPHIC.

10th February. In reply to your Lordship's telegram of the 9th instant,* Ministers earnestly desire to know what proofs are required, as they cannot understand where the convention with the United States is prejudicial to British interests.

They are not aware that Her Majesty's Government have, with advantage to Newfoundland, advocated her interests in conjunction with those of Canada, but they are aware that Newfoundland has in the past suffered from being connected with Canadian proposals.

Her Majesty's Government were informed, when the Delegates asked for separate negotiations and convention, that the interests of Newfoundland and Canada were not identical, and acquiesced with full knowledge. Since then every request which has been made has been assented to, and my Government cannot comprehend the withdrawal of Her Majesty's Government from a distinct and positive understanding.

Her Majesty's Government in making the interests of Newfoundland subservient to Canadian politics are ruining the future prospects of the Colony.

By delay the convention will be lost, and my Government request an answer, yes or no, that the fate of the Colony may be known and action taken accordingly.

No. 54.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

11th February. I have received your telegram of 10th February.† The meaning of my telegram of the 9th instant* is that Her Majesty's Government have definitively decided not to proceed at this moment with the proposed convention between Newfoundland and the United States, although they do not refuse to consider whether such a convention may be practicable at a later date.

My Despatch giving explanations goes by to-morrow's mail, and it seems undesirable to discuss the matter further by telegraph. That Despatch will show that your Government are under an entire misapprehension as to any distinct understanding that the terms of the convention should be confirmed. Her Majesty's Government have observed with much regret the language in which your Ministers have thought fit to address them in your telegram under reply.

I request that you will keep me fully informed as to the course which your Government propose to take.

No. 55.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, February 12, 1891.

IN my telegram of the 9th instant* I have informed you that Her Majesty's Government regret to find themselves still unable to sanction the conclusion of the proposed Convention between Newfoundland and the United States. This decision has not been arrived at without very full consideration of the wishes and arguments repeatedly pressed upon Her Majesty's Government by your advisers and yourself, nor without a strong endeavour to find some means of bringing the interests of Newfoundland into compatibility with other Imperial interests. Up to the present time, however, that has proved impracticable, and the Convention, as to the feasibility

* No. 52.

† No. 53.

of which Mr. Bond was, in September last, permitted to consult informally with Her Majesty's Minister at Washington, cannot at the present time be concluded.

There would appear to be some misapprehension in Newfoundland as to the circumstances in which Mr. Bond's visit to Washington was sanctioned by Her Majesty's Government, and I think it desirable to state briefly the general conditions under which all negotiations for separate commercial arrangements between individual Colonies and foreign States are necessarily conducted, and the limitations within which it was consequently possible for the present negotiation on behalf of Newfoundland to proceed.

Her Majesty's Government have raised no objection in principle to a separate negotiation with a foreign Power on behalf of one Colony only. It may be in some cases possible so to define the limits of the proposed commercial arrangement as to procure what the particular Colony desires without prejudicing the interests of those other portions of the Empire which are not included in the arrangement. It will be within your recollection that this subject was discussed with much attention at the Colonial Conference held in London in 1887; and, although the balance of opinion in the Conference was against such separate arrangements, it was admitted that Her Majesty's Government could not, having regard to the precedents which had been established, refuse to consider the merits of a commercial arrangement desired by one Colony only, and the effect which it might have on other British and Colonial interests.

That course was taken when it was desired in 1886 to conclude a trade arrangement as between the British West Indian Colonies and the United States; and in that case, as in the present case of Newfoundland, it was after much examination found that the Convention could not, in the form in which it would be acceptable to the United States and the Colonies, be negotiated consistently with Imperial obligations and policy.

It was therefore under such well-recognized conditions and reservations that Her Majesty's Government readily consented in September of last year to the informal and unofficial visit of Mr. Bond to Washington, for the purpose of communicating to Sir Julian Pauncefote the views and wishes of the Newfoundland Government.

The wish of the Newfoundland Government for a separate trade and fishery arrangement with the United States had been brought before Her Majesty's Government in February 1890. They promised to consider the question with Sir W. Whiteway after his arrival in England, and after explanations had been received from him, a letter introducing Mr. Bond was addressed to Her Majesty's Minister at Washington on the 8th August, 1890, in which Sir Julian Pauncefote was informed that Mr. Bond had been commissioned by the Newfoundland Government to communicate to him their views and wishes with regard to the desired arrangement.

After conferring with Mr. Bond, Sir J. Pauncefote introduced him to Mr. Blaine, and also submitted informally to Mr. Blaine, at his request, the draft of a Convention which would meet the views of the Newfoundland Government.

The time had then arrived for considering how far that Convention might affect other interests than those of Newfoundland; and the Government of Canada, as being, of course, principally interested, was consulted. As you are aware, the Dominion Government at once pointed out the injury to Canadian interests which would result from the conclusion of a distinct arrangement, whereby the United States would secure an important advantage in consideration of which Canada as well as Newfoundland had on previous occasions obtained material concessions from the United States; and it also became apparent that the United States Government was not disposed to extend to Canada the same limited arrangement as it might be willing to adopt in the case of Newfoundland alone.

It was therefore determined to consider whether, *pari passu* with the Newfoundland negotiation, an arrangement for reciprocity on a broader basis between Canada and the United States could be negotiated; and until it has been more definitely ascertained whether this latter negotiation can now proceed, the Newfoundland Convention must remain in abeyance.

I greatly regret that your Ministers should have resented the action taken by Her Majesty's Government in guarding the interests of other portions of the Empire, while endeavouring to give effect to the wishes of Newfoundland; but I trust that I have made it clear to them that, while Her Majesty's Government are willing to assist a Colony in negotiating a separate Commercial Arrangement, they cannot conclude such an Arrangement as long as it is not compatible with those other Imperial interests and obligations which it is their duty to regard.

I may, in conclusion, remind you that in the past, when Treaties have been negotiated with the United States on behalf of Canada, the interests and wishes of Newfoundland have always been borne in mind.

Sir Terence O'Brien.

I have, &c.
(Signed) KNUTSFORD.

No. 56.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.
(Received February 13, 1891.)

MY LORD, Government House, Ottawa, January 31, 1891.

WITH reference to previous correspondence on the subject of the proposed convention between Great Britain and the United States for the improvement of the trade relations between the latter country and the Colony of Newfoundland, I have the honour to enclose copy of an approved Minute of the Privy Council of Canada, containing an expression of the views of the Canadian Government in regard to the convention in question.

I have, &c.
(Signed) STANLEY OF PRESTON.
The Right Honourable the Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 56.

(Extract.)

Certified Copy of a REPORT of a COMMITTEE of the HONOURABLE the PRIVY COUNCIL, approved by his Excellency the GOVERNOR-GENERAL IN COUNCIL on the 29th January, 1891.

THE Committee of the Privy Council have had under consideration a Despatch dated the 15th January, 1891, from Her Majesty's Minister at Washington, accompanied by the copy of a proposed convention between Great Britain and the United States for the improvement of commercial relations between the United States and the Colony of Newfoundland, and also the telegram from the Right Honourable the Secretary of State for the Colonies to your Excellency dated the 23rd January instant.*

The Sub-Committee of Council, to whom the Despatch and enclosures were referred, report as follows :—

The reasons advanced in the Minute of Council, approved on the 12th December,† 1890, referring to the negotiations for a trade and fishery arrangement between the United States and Newfoundland, appear to your Excellency's Government to be fully as important and pressing now as they were at the date of that Minute, and to be as applicable to the present draft convention as to the draft which had then been under consideration.

While those reasons have doubtless been considered by Her Majesty's Government, they do not appear to have had attached to them the weight which, in the opinion of your Excellency's advisers, they are entitled to, for the Despatch of Lord Knutsford dated the 23rd January instant merely intimates the inconvenience of delay with regard to the convention proposed for Newfoundland, as though only delay had been asked, and as though objections in point of principle had not been advanced.

Her Majesty's Government will doubtless remember that when the protest of your Excellency's Government against the draft convention which was considered in December last was made known to the Principal Secretary of State for the Colonies, his Lordship intimated that if Canada were willing to commence negotiations at once, the Newfoundland convention would not be concluded immediately, but that negotiations on behalf of Canada could go on *pari passu* with those regarding Newfoundland.

Your Excellency's Government at once assented to the propriety of this course, and announced their willingness to commence negotiations at once, with the sanction of Her Majesty's Government, only expressing a preference for a formal and official conference under Commission, rather than a private and unofficial discussion.

* No. 49 A.

† No. 38.

No responsibility for delay rests on your Excellency's Government. Even the dissolution of Parliament, which has been referred to as possible, would not retard negotiations.

The Sub-Committee feel bound, therefore, to recommend that the Government of Canada insist on the importance of the negotiations concerning trade relations with Canada proceeding *pari passu* with those affecting Newfoundland.

The Sub-Committee observe that an examination of the proposed convention will show that while, as was stated in the Minute of Council approved in December last, the advantages afforded to the British North American fishermen under the Treaty of 1818 would be reduced almost to a nullity, the fishery products of Newfoundland would be admitted to the markets of the United States under such a convention, on such terms as to displace very largely the like products exported by the fishermen of Canada to that country.

That the Canadian Government has declared its policy to be that no commercial arrangements with a foreign country should be acceded to by Canada which would involve tariff discrimination against the mother country, and this principle has had the approval of Her Majesty's Government; but it will be difficult to induce the people of Canada to continue to believe in the importance of that principle as a safeguard to the interests of the Empire if Great Britain now makes a convention for Newfoundland under which the United States is able to discriminate directly against Canada.

The Sub-Committee are of opinion that your Excellency's Government should press the importance of permitting no discrimination, at least as against any part of British North America, to be made in any trade arrangement with the United States, and should continue to urge the necessity of insistence that in any such arrangement all Her Majesty's provinces in North America shall participate equally.

The Sub-Committee submit that it seems necessary further to invite close attention to the Vth Article of the draft convention. That Article seems fairly open to the construction that if the existing rates of duty in Newfoundland on the articles mentioned in Article IV shall be reduced as regards importations from other countries than the United States, the United States shall have a further reduction below that which the convention fixes as the maximum duties on United States goods of that description. If this is the construction intended the convention is open to the further objection that it stipulates for a continued preference in the markets of Newfoundland for United States products over those of every other country, involving therefore not only discrimination by the United States in favour of Newfoundland, but by Newfoundland in favour of the United States, and such discrimination would be against Canada and the mother country as well.

The Committee concur in the said Report of the Sub-Committee, and request that your Excellency be pleased to transmit this Minute, if approved, to the Right Honourable the Principal Secretary of State for the Colonies.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council.

No. 57.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

(Extract.)

14th February, 1891. Telegrams in the press report repetition in Mr. Bond's resolution of incorrect statement that Her Majesty's Government had authorized conclusion of convention. You should present my Despatch of the 12th February* to both Houses as soon as received.

* No. 55.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received February 14, 1891.)

TELEGRAPHIC.

HAVING been requested by both Houses of Legislature to communicate to you by telegram resolution passed by them, I have no option but to do so:—

“Whereas the Legislature has been informed by his Excellency the Governor, in the Speech with which his Excellency has been pleased to open the present Session, that Her Majesty's Government has up to this date declined to sign the convention for reciprocal trade between this Colony and the United States of America; and whereas the Legislature has been informed that on the 8th day of July, 1890, the Delegates, appointed by the Government of this Colony to proceed to England to consult and advise with Her Majesty's Government in relation to the interests of this Colony proposed to Her Majesty's Government that this Colony should be permitted to negotiate through Her Majesty's Representative at Washington a convention for reciprocal trade with the United States of America; and whereas the Legislature has been informed that after lengthy consideration of this proposal Her Majesty's Government did on the 8th day of September last intimate to the said Delegates the acquiescence of Her Majesty's Government therein, and did consent to one of the said Delegates proceeding to Washington to lay before Her Majesty's Plenipotentiary and Envoy Extraordinary the views of the Government of this Colony upon this question, and to aid in said negotiations; and whereas the Legislature has been informed that on the 18th day of November last Her Majesty's Government advised the immediate return of the Colonial Secretary to Washington with a view to concluding the said negotiation; and whereas the Legislature has been informed that on the 16th day of December a convention satisfactory to the Government of this Colony, and in accordance with that proposed by the said Delegates to and accepted by Her Majesty's Government, was agreed to by the United States Secretary of State on behalf of his Government, and Her Majesty's Government has not assented to the ratification, although most strongly urged thereto by the Government of this Colony; and whereas it is deemed of paramount importance that the said convention should be ratified without delay:

“Be it resolved, that the consideration of his Excellency's Speech be deferred until there be an expression of opinion to be communicated to Her Majesty in relation thereto.

“Resolved, that the Legislature views with profound disappointment and alarm the failure of Her Majesty's Government to carry out its solemn obligations to this Colony. They are aware of the interference of Canada in relation to this matter, and they cannot fail to appreciate the same as a menace to the independence of the Colony; they emphatically protest against the interests of this Colony being made subservient to those of the Dominion of Canada, and they regard the delay that has occurred in the ratification of the said convention as entirely unjustifiable, and as evidencing an utter disregard for the prosperity and well-being of this Colony.

“Resolved, that the delay occasioned by Her Majesty's Government in ratifying the said convention is regarded by this Legislature as unfriendly and hostile, and as calculated to permanently disturb that loyalty for which this Colony has in the past been remarkable.

“Resolved, that the Legislature most strongly urges Her Majesty's Government to immediately fulfil its pledge to this Colony by ratifying the said convention.”

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

17th February, 1891. My Despatch of the 12th February* contains answer to resolution of both Houses of Legislature, but does not refer to return of Mr. Bond to Washington, which is incorrectly referred to in resolution.

39.

Mr. Bond was not invited to return with a view to concluding the negotiation as stated in resolution, but to furnish information as to certain statistics and explanations.

Present this telegram with the Despatch.

No. 60.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

21st February, 1891. Referring to my telegram of 17th February,* in further reply to resolutions of Houses of Legislature, I have to observe that it was very unusual course for member of Colonial Government to propose to Legislature resolutions condemning in strong terms proceedings of Her Majesty's Government with regard to convention, without placing before it full information as to the reasons which had induced Her Majesty's Government to take steps objected to. Communicate this to Ministers with reference to my Despatch and telegram.

No. 61.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 3, 1891.)

MY LORD,

Government House, St. John's, February 16, 1891.

I HAVE the honour to inclose herewith a copy of the Resolutions† passed by both branches of the Legislature in reference to the delay on the part of Her Majesty's Government in ratifying the convention for reciprocal trade between this Colony and the United States of America.

2. At the request of the Legislature, as is shown in the accompanying copy of an Address presented to me, I forwarded the above-mentioned Resolutions, in full, by telegram to your Lordship on the 14th instant.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Col.,

The Right Hon. Lord Knutsford, G.C.M.G.,

Governor.

&c.

&c.

&c.

Enclosure in No. 61.

To His Excellency Sir J. Terence N. O'Brien, Lieutenant-Colonel, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its dependencies.

May it please your Excellency.

THE Legislative Council and House of Assembly have passed the accompanying Resolutions, which they respectfully request your Excellency will be pleased to forward by telegraph to Her Majesty's Government through the Right Honourable the Secretary of State for the Colonies.

Passed the House of Assembly, 13th February 1891.

(Signed) GEO. H. EMERSON, Speaker.

Passed the Legislative Council, 13th February 1891.

(Signed) E. D. SHEA, President.

* No. 59.

† See No. 58.

No. 62

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received March 7, 1891.)

TELEGRAPHIC.

FOLLOWING is text of last night's Resolution passed by House of Assembly in answer to your telegram of 11th February and your Despatch of 12th February :—*

"Whereas Governor stated in reply to Address on the 23rd February: 'While I thank you for your Address, I regret that I must at the same time take exception to that portion of it which relates to the proposed convention with the United States of America, for I am led to believe, from a telegraphic communication received from the Right Honourable the Secretary of State for the Colonies, that when, on the arrival of the mail, this telegram and his Lordship's Despatch on the subject are laid before you and all the circumstances become known, you will find that your conclusions and deductions have been erroneous ;'

"And whereas, by his Excellency's command, this House has been placed in possession of the Despatches referred to, and has most carefully considered the same; and whereas in the said Despatches the Secretary of State has not only confirmed everything that this House alleged in the Resolutions that were unanimously adopted by it on the 13th February, and which was set forth in its Address in reply to Governor's Speech :—

"1. That the matter of reciprocity between Newfoundland and the United States was formally brought under the notice of the Imperial Government by the Newfoundland delegates ;

"2. That after lengthy consideration of the proposals made by the said delegates, Her Majesty's Government assented to the Colonial Secretary of this island proceeding to Washington to lay before Her Majesty's Minister the views of the Newfoundland Government relative thereto ;

"3. That after the return of the Colonial Secretary of Newfoundland in November a telegraphic despatch was received from the Right Honourable the Secretary of State for the Colonies, advising his immediate return to Washington ; and

"4. That a convention satisfactory to the Government of this Colony was agreed upon which has not been ratified by Her Majesty's Government, but further states that the draft convention which was submitted to the American Minister on the 18th October was laid by Her Majesty's Ministers before the Government of Canada, and Her Majesty's Ministers decided that the convention must remain in abeyance because the Government of Canada had pointed out that Canada had on previous occasions obtained material concessions from the United States for privileges which this Colony now offers the United States in her own interest alone ;

"And whereas, after acquiescing in the interference of the Government of Canada in relation to this matter, and accepting her protest against the convention, Her Majesty's Government did transmit a Despatch to the Governor, under date of 18th November, advising the immediate return of the Colonial Secretary of this Colony to Washington in these words: 'Blaine urges that Colonial Secretary should return at once to Washington to furnish report on statistics and certain explanations which are necessary in connection with proposed reciprocity treaty. He considers that it would be advantageous for him to go immediately' :

"Resolved,—That it is the opinion of this House that not only has the position which it took up and set forth in the Resolutions transmitted to Her Majesty's Government, and in the Address and reply to his Excellency's Speech, been amply substantiated and justified, but that the grievance of the Colony is intensified by the fact that after Her Majesty's Government had favourably received the objections of Canada, as set forth in the Despatch of the Secretary of State of 12th February, the Colonial Secretary was directed to proceed again to Washington as if for the purpose of concluding the convention against which Her Majesty's Government had already accepted the protest of Canada.

"Resolved,—That in the opinion of this House the time for considering how far that convention might affect other interests than those of Newfoundland had arrived when in July 1890 a full text of the draft convention was submitted to Her Majesty's

* Nos. 54 and 55.

Government by the delegates, and not after formal negotiations had been entered into with the United States and the draft convention agreed to.

"*Resolved*,—That in the opinion of this House Her Majesty's Government are in honour bound to complete the negotiations which were entered upon and concluded so far as this Colony is concerned in good faith."

No. 63.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 8, 1891.)

TELEGRAPHIC.

7th March, 1891. Referring to my telegram of to-day,* following is text of paragraph in Address to which serious objection was taken by me: "It is highly satisfactory to know that your Ministers have, with the express sanction of the Imperial Government, concluded a treaty of reciprocal trade with the United States through Her Majesty's Plenipotentiary and the United States Secretary of State; but this satisfaction is seriously diminished by the intimation which your Excellency has conveyed, that the Imperial Government has withheld its assent to this convention; our disappointment is the more deepened from the knowledge that Her Majesty's Government authorized a delegate from this Colony to conduct the negotiations which led to a convention so advantageous to both countries; we cannot close our eyes to the fact that Her Majesty's Government, in adopting a course fraught with such disastrous consequences to this Colony, has been influenced by regard for the interests of a neighbouring Dominion, and a disregard for those of the oldest and most unfavourably treated Colony of Her Majesty's Empire.

"The neglect to which this Colony is continually subjected must no doubt be attributed to the ignorance prevailing in the mother country respecting Newfoundland, a Colony which, with its dependencies, exceeds in area all the other Atlantic maritime provinces of British North America, that the interests therefore of such a Colony, with its inexhaustible fisheries, its boundless mineral wealth, its immense tracts of agricultural and timber lands, its magnificent bays and harbours, and from its geographical situation unsurpassed as a strategical position in the event of military or naval hostilities on this side of the Atlantic, should be made subservient to the party politics of a rival Colony, whose irritating policy has provoked and estranged a neighbouring friendly nation to which it is allied by the ties of a similarity of laws and language, race and religion, is calculated to call forth the just indignation of a people already suffering from the baneful effects of a century of misconstruction of French treaty rights on their shores; it is a subject of congratulation, however, to be informed that your Excellency's Ministers are using every effort to obtain the assent of Her Majesty's Government to this Convention."

No. 64.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR, Downing Street, March 12, 1891.

I HAVE the honour to acknowledge the receipt of your Despatch of the 16th February,† forwarding the Resolutions passed by both Houses of the Legislature on the subject of the course taken by Her Majesty's Government with regard to the proposed convention with the United States.

The purport of these Resolutions had previously been communicated to me in your telegram of the 13th February,‡ and, as I informed you in my reply of the 17th§ of that month, full explanations of the action of Her Majesty's Government in this matter were contained in my Despatch of the 12th February,|| which I requested you to present to the Legislature. I have since received your telegrams of the 7th March¶ reporting further Resolutions passed by the House of Assembly on the 6th instant.

* No. 62.

|| No. 55.

† No. 61.

‡ No. 58.

§ No. 59.

¶ Nos. 62 and 63.

I explained in my telegram of the 17th February,* that the circumstances connected with Mr. Bond's second visit to Washington had been incorrectly referred to in the former Resolutions, and I regret to observe that on this point, as well as in respect of other errors which I had corrected in my Despatch of the 12th February,† the House of Assembly has again been invited by your responsible advisers to record an inaccurate view of the transactions referred to.

At the request of the United States Secretary of State, Mr. Bond was, on the 14th November, invited to return to Washington to "furnish information as to certain statistics and explanations necessary in connection with the proposed convention," but it was in no way suggested that the convention could then be concluded.

The correspondence about to be published shows this fact very distinctly.

It appears that while at Washington Mr. Bond, without reference to Her Majesty's Minister, had several interviews with Mr. Blaine, which resulted in a remodelling of the draft convention as prepared and presented to Mr. Blaine by Sir J. Poncefote. This new draft he handed to Her Majesty's Minister on the 16th December, with a statement that it would be most acceptable to Newfoundland, and that Mr. Blaine was also prepared to accept it. Sir J. Poncefote (who had received no reply from the United States Government to his communication presenting the original draft) at once informed Mr. Bond that he would keep the draft for reference in case Mr. Blaine should make any proposal to him founded upon it, but that he could take no cognizance of anything that might have passed between Mr. Bond and Mr. Blaine during his absence. Mr. Bond readily admitted this, and said that Mr. Blaine would no doubt communicate the draft to Sir J. Poncefote as a counter-proposal. It was not, however, till the 6th January that Mr. Blaine communicated the counter-draft to Her Majesty's Minister, and this fact, which was known to your Ministers, does not appear to have been pointed out to the Legislature.

I have, in my Despatch already referred to, explained the circumstances in which Her Majesty's Government consented to the opening of the negotiations, and I have pointed out that such consent could not be construed into a pledge or obligation on their part to conclude and ratify any convention without full consideration being given to other interests likely to be affected by it.

In the Resolution of the 6th instant your Ministers invited the House of Assembly to state that the question whether other interests might impede the desired separate convention should have been considered before, and not after, negotiations were entered upon; but it should have been obvious to your Ministers that if that question had been raised in the first instance it would almost certainly have been decided that power could not be given to Newfoundland to negotiate the desired separate convention without the concurrence of Canada, while there appeared to be some hope that in working out the convention it might be brought into a shape not directly detrimental to other British interests, and be made to include such provisions as would enable Canada to become a party to it.

I regret that the measures which Her Majesty's Government felt it to be their duty to take in connection with the proposed convention, and the course of the proceedings, should not have been stated in the Newfoundland Legislature with precise accuracy.

I request that you will lay this Despatch before both Houses of the Legislature.

I have, &c.

Sir Terence O'Brien.

(Signed) KNUTSFORD.

* No. 59.

† No. 55.

NORTH AMERICA.

CORRESPONDENCE relating to a proposed Convention to regulate Questions of Commerce and Fishery between the United States and Newfoundland.

Presented to both Houses of Parliament by Command of Her Majesty. March 1831.

NORTH AMERICA.

FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES.

Presented to both Houses of Parliament by Command of Her Majesty.
April 1891.



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1891.

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4	Foreign Office - -	June 16	Observes that Lord Salisbury would prefer not to return a positive answer at present to the request of Messrs. Winter, Scott, and Morine for an interview, but that he cannot receive them until after he has seen Sir W. Whiteway.	9
5	Sir J. S. Winter and Messrs. Scott and Morine.	June 18	Inquires whether Lord Salisbury and Lord Knutsford desire to grant them an interview as they intend to leave England on the 23rd June.	9
6	To Sir J. S. Winter and Messrs. Scott and Morine.	June 19	Informs them that Lord Salisbury fears he cannot see them until after he has had an interview with Sir W. Whiteway.	9
7	To Foreign Office - -	June 20	Transmits copy of a further letter from Messrs. Winter, Scott, and Morine, enclosing resolutions passed by public bodies in Canada.	10
8	A. W. Harvey, Esq. -	July 24	Memorandum on French Fishery Treaties.	10
9	Ditto - - -	July 24	Memorandum on French Fishery Bounties.	11
10	To Foreign Office - -	Aug. 2	Transmits, with observations thereon, copy of a memorandum by Mr. A. Harvey with regard to French Treaty rights on the coast of Newfoundland and the position of the islands of St. Pierre and Miquelon.	12
11	To A. W. Harvey, Esq. -	Aug. 2	Informs him that copies of his memoranda of 24th July have been sent to Foreign Office.	12
12	A. W. Harvey, Esq. -	Aug. 7	Memorandum on the effects of the Bait Act as traced in the French Official Year Book of St. Pierre for the year ending December 31, 1888.	13

Serial No.	From or to whom.	Date.	Subject.	Page.
1890.				
13	To Foreign Office - -	Aug. 26	Encloses copy of a memorandum by Mr. Harvey on the effects of the Newfoundland Bait Act.	16
14	To A. W. Harvey, Esq. -	Aug. 26	Thanks him for his memorandum of 7th August on the effects of the Newfoundland Bait Act.	16
15	Sir Terence O'Brien -	Aug. 23 (Rec. Sept. 11.)	Encloses a copy of the annual report of the Chamber of Commerce of St. John's, and recommends that action should be taken in the matter of the appointment of a British Consul at St. Pierre as desired by the Chamber.	16
16	Sir W. V. Whiteway and A. W. Harvey, Esq.	Oct. 9	Expresses the opinion that in the proposed settlement, the absolute concession to the French of the right to procure bait in Newfoundland is far in excess of an equivalent for a withdrawal by them from the treaty coast.	19
17	To Foreign Office -	Oct. 24	States the lines upon which Sir W. Whiteway and Mr. Harvey consider the negotiations with France should proceed.	20
18	Admiralty - - -	Dec. 19	Transmits copy of a report by Sir Baldwin Walker on the working of the Bait Act during the past season.	20
1891.				
19	To Sir Terence O'Brien -	Jan. 15	Encloses copy of a report by Sir B. Walker on the working of the Bait Act, and observes that the facts contained therein deserve the serious consideration of the Colonial Government.	32
20	Ditto - -	Jan. 23 (Telegraphic.)	States that Her Majesty's Government feel compelled to maintain the position they have taken up as regards commencing negotiations with France for arbitration, but are prepared to accept in principle an Imperial guarantee of a loan for railway construction, and they desire further information as to the probable amount required, &c.	32
21	Ditto - -	Feb. 9 (Telegraphic.)	Informs him that Her Majesty's Government are prepared to guarantee a loan for the purposes stated in the telegram of 23rd January after a Commission has reported on the condition and resources of the Colony, and on the understanding that the Colonial Government co-operates with Her Majesty's Government in adjusting the controversy with France.	33
22	Ditto - -	March 7 (Telegraphic.)	Inquires the name of the person whom the Newfoundland Government would wish to be appointed as a representative on the forthcoming arbitration regarding the lobster fishery question.	33
23	Ditto - -	March 9 (Rec. March 10.)	Reports, at the desire of his Ministers, that they can consent to no partial reference of the fisheries questions to arbitration.	33

Serial No.	From or to whom.	Date.	Subject.	Page.
1891.				
24	To Sir Terence O'Brien -	March 12 (Telegraphic.)	Informs him that the Agreement for arbitration was signed yesterday.	34
25	Ditto - -	March 12	Directs him to appoint a Commission to inquire into claims on account of lobster factories closed prior to the publication of the <i>modus vivendi</i> , and to issue a notice to the effect that no claims on account of factories opened since 12th March 1890, will be entertained.	34
26	Ditto - -	March 16 (Telegraphic.)	States the text of the Agreement for arbitration as signed 11th March 1891.	35
27	Sir Terence O'Brien -	(Rec. March 18.) (Telegraphic.)	Reports that the judgment in <i>Baird v. Walker</i> is for the plaintiff.	36
28	Ditto - -	(Rec. March 18.) (Telegraphic.)	Reports that the Colonial Government have decided to enforce the Bait Act this year, and that no licences will be granted to Canadian or French fishermen, but they will be issued free to United States fishermen.	36
29	Ditto - -	March 20 (Rec. March 20.) (Telegraphic.)	Reports that the Legislature has unanimously resolved to send a telegram to the Speaker and the Lord Chancellor requesting that Parliament will delay consideration of the Bill for enforcing naval authority.	36
30	Legislative Council and House of Assembly to the Speaker of the House of Commons.	(Rec. March 20.) (Telegraphic.)	Transmits resolutions of the Legislature praying that the House will delay the coercive legislation proposed by the Imperial Government, so as to enable the Colonial Legislature to present their views before the House.	36
31	To Sir Terence O'Brien -	March 20 (Telegraphic.)	Informs him that the Speaker has received the telegram from the Colonial Legislature.	37
32	The Legislative Council and House of Assembly.	(Rec. March 20.) (Telegraphic.)	States that a delegation has been appointed to lay before the Imperial Parliament the reasons of the Colony for opposing the proposed legislation, and requests that all further proceedings be delayed until the delegation can be heard.	37
33	Sir Terence O'Brien -	(Rec. March 21.) (Telegraphic.)	Forwards resolutions passed by both Houses appointing a deputation to lay before the Imperial Parliament the reasons of the Colony for opposing the proposed coercive legislation.	37
34	To Sir Terence O'Brien -	March 21 (Telegraphic.)	Instructs him to inform the President of the Legislative Council and the Speaker of the House of Assembly that their telegram of 20th March has been received.	38
35	Ditto - -	March 21 (Telegraphic.)	Instructs him to inform the Legislature that the second reading of the Bill for enforcing the treaties will not come on before the 16th April, and that there will be ample time for further communications, but that in the absence of effective Colonial legislation Her Majesty's Government must proceed with the Bill.	38

Serial No.	From or to whom.	Date.	Subject.	Page.
		1891.		
36	To Sir Terence O'Brien -	March 23 (Telegraphic.)	Conveys the terms of an answer made in the House of Commons to questions relative to the remonstrance of the Colonial Legislature, and states that the Imperial Bill will contain a provision suspending its operation if and when the Colonial Legislature passes a law to meet the requirements of Her Majesty's Government.	38
37	The Rev. M. F. Howley and Messrs. Bishop and MacFatridge.	(Rec. March 23.) (Telegraphic.)	States that the people of the West Shore will loyally accept the decision of Her Majesty's Government, and desire that the Bill for enforcing treaty rights may not be withdrawn, but that mining and other industries may be guaranteed.	38
38	Sir Terence O'Brien -	(Rec. March 24.) (Telegraphic.)	Reports that his Ministers decline to take part in or be bound by an Agreement in which they had no part, and that they will resist the Agreement and all action thereunder.	39
39	To Sir Terence O'Brien -	March 25 (Telegraphic.)	Expresses the hope that nothing will be done in the matter of the refusal of licences to French and Canadian fishermen until after the delegates have arrived in England.	39
40	Sir Terence O'Brien -	(Rec. March 25.) (Telegraphic.)	Requests that the provisions of the Bill for enforcing the <i>modus vivendi</i> may be sent by telegraph.	39
41	Ditto - - -	(Rec. March 26.) (Telegraphic.)	Reports that the Colonial Government desire to state that the Bait Act is already being enforced, and must be rigidly executed.	39
42	To Sir Terence O'Brien -	March 26 (Telegraphic.)	Conveys substance of the Bill to enable Her Majesty's Government to carry out treaty engagements with France.	39
43	Sir Terence O'Brien -	(Rec. March 31.) (Telegraphic.)	Reports that the deputation from the Legislature, consisting of Messrs. Harvey, Monroe, Whiteway, Emerson, and Morine, will leave for England on 6th April.	40
44	To Sir Terence O'Brien -	March 31	Requests that Messrs. Howley, Bishop, and McFatridge may be informed that their message of 23rd March has been received.	40
45	Ditto - - -	April 3 (Telegraphic.)	States that the Secretary of State regrets the decision of the Colonial Government as conveyed in Governor's telegram of 24th March, and is unable to concur in the statements of Ministers therein contained.	40
46	The Rev. M. F. Howley -	April 10 (Rec. April 10.) (Telegraphic.)	Requests that no agreement may be made with the Colonial delegates until the views of the people of the west coast have been heard.	40

FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES.

No. 1.

SIR J. S. WINTER and MESSRS. SCOTT AND MORINE to COLONIAL
OFFICE.

Westminster Palace Hotel, London,
May 31, 1890.

MY LORD,

IN accordance with your suggestion we have the honour to lay before you in writing our views upon the condition of affairs in Newfoundland, and the course which should be adopted in order to procure a permanent settlement of the difficulty. In this expression of opinion we represent, we believe, the unanimous sentiment of the people of Newfoundland.

1. The people of the Colony object to the proposed arbitration upon the question of British and French rights respectively to take and can lobsters upon the coasts of Newfoundland, for several reasons. They say, in the first place, that the entire absence of any shadow of French right is so evident that the claim of the French should not be entertained by the British so seriously as any agreement to an arbitration at this juncture would imply.

2. To the argument that in this case the British and French meet upon an equality as nations, and that the disputes between them should therefore be settled by arbitration before either party enforces its own interpretation, the people of Newfoundland take issue, replying that Britain is the sovereign of the soil of Newfoundland, that France has only those rights which Britain has expressly ceded to her, and that where the Government of Britain is clearly of opinion that a claim set up by France is without a shadow of foundation, it is the duty of Britain to refuse to permit the exercise of the French claim, and for France to seek, and for Britain to refuse or grant, as she may deem wise, a settlement by arbitration, Britain refusing to allow the exercise of the French claim over her soil until by the award of an arbitration the right of the French has been established. In the present case the Law Officers of the Crown have given their opinion against the claims of the French, and the Government of Britain professes to be convinced of the baselessness of those claims; and therefore the people of Newfoundland say that for Britain to propose to submit those French claims to arbitration would be a disastrous confession of weakness, and that they should be resisted until France, of her own motion, has unmistakeably and conclusively established them.

3. If French and British claims respectively to take and can lobsters were submitted to arbitration under present circumstances, the French claim would come before the arbitrators upon a more substantial basis, and the British claim upon a weaker basis, than if the *modus vivendi* were not in force; but if Britain were enforcing her own interpretation of the treaties and France were the applicant for arbitration, then Britain could consistently say, "there is not a shadow of foundation to the claim made by France," and it could not be replied, as it could under present circumstances, "if France has no shadow of foundation to her claim, why have you consented to the exercise of that claim for one year, and why have you been the applicant for arbitration over a question concerning which you profess to have no doubt, and your interpretation of which you, as sovereign over the territory involved, might naturally be expected to enforce?"

4. The French would not agree to any proposition from the British Government to arbitration upon the French right to take and can lobsters alone, but would also demand that the British right to take and can should also be arbitrated upon. The award of the arbitration would probably be—

(1.) That the French have no right to take and can lobsters, and

(2.) That the British have no right to take and can lobsters wherever and whenever such taking and canning amounts to an interruption of the French right to "catch fish and dry them." The French, maddened by the denial of their claims, would immediately proceed to *create* opportunities for an interruption of their fishing rights by the British, and the British naval officers on the station would either be forced to adjudicate upon the *bonâ fides* of the French claim of an interruption, to which adjudication the French would never consent, or they would be forced to stop the operation of each British factory designated by the French, so that every British factory on the coast would have to be removed.

5. Such a position of affairs could, at least, only end in a compromise which would concede some right to the French, in return for some concession to the British, but which would fasten the French more strongly than ever upon the soil of Newfoundland, and make the entire extinguishment of their rights more difficult than to-day.

6. But, it will be answered, an arbitration upon the British right to take and can lobsters would only result, according to your own showing, in a declaration of that which you admit the treaty already contains—How would this prejudice you? The practical objection is, that we have twenty odd factories in operation, and twenty more ready to operate, and while our right is being discussed the factories can be operated, but as soon as an award has been given to the effect that the factories must not interrupt French fishing, and an interruption is created, all factories complained of must be forthwith closed. Is the British Government prepared for this? Have they contemplated the result in Newfoundland?

7. The suggestion contained in the foregoing—that Britain should profit by the delay caused by the discussion of a point which she admits would be decided against her—may at a first glance appear to be immoral. But it must be remembered that the application of her interpretation of the *letter* of the treaties has hitherto been insisted upon by France, as distinguished from its *spirit*, and then upon closer examination it will appear that in urging that the delay caused by discussion should be resorted to for the purpose of maintaining British factories in operation wherever and whenever they do not actually interrupt French *cod*-fishing, we are only asking that the spirit of the treaties shall be allowed to operate, rather than the French interpretation of the letter. To permit affairs to fall into a condition which would afford the French greater powers than they now possess to prevent the operation of British factories in cases where such operation was not an actual hardship to the French would, we submit, be a greater immorality in fact than our suggestion may appear to be, even at the first glance.

8. The people of Newfoundland object to an arbitration of the lobster question, or for the sole purpose of interpreting the treaties, because they regard this as merely tinkering with that which is radically bad, and the tinkering of which will only continue it in force for a longer period than otherwise. They say that the continued existence of *any* French right upon the coast of Newfoundland is anomalous and intolerable, that no matter how small might be the rights of the French upon the coast after an interpretation of the treaties, that which would remain would be no more endurable, and be exercised in a spirit no less obnoxious, than those claims which the French at present assert. Present conditions are so bad that it is evident a settlement must be made, and the French themselves cannot be blind to this fact, whereas any temporary arrangement which would lessen the strain would, for a time at least, do away with that stern necessity for an immediate settlement which is now the strongest argument which can be used by the British Government upon the Government of France. The Government of Great Britain should base upon the present tension a demand for a settlement, and should not seek to relieve that tension in any degree until a final settlement has been made.

9. But, it may be said, from your arguments it would appear that the position of affairs is intolerable now, and would be equally intolerable after an arbitration. Apparently, therefore, no satisfactory settlement of the lobster question is possible. Our answer is, the lobster question *cannot* be satisfactorily settled by itself; but if it could be so settled, difficulties between the French and the Newfoundlanders would continue,

We hold that only by the extinguishment of all French rights in Newfoundland can a permanent solution of the ever recurring difficulties be brought about.

10. The bare exercise of the right of the French to "catch fish and dry them" has never been objected to by the people of Newfoundland, and it is not the exercise of that admitted right which causes trouble. But the French construe and enforce their privilege of "freedom from interruption" in such a manner as to prevent the development of the natural resources of the land adjacent to the coast, and for many miles inland. Minerals have been discovered, but the operation of mines has been prevented by the existence of French "rights." The soil is fertile, but the title to it is "subject to French rights," whereby development is delayed. Lumbering facilities are excellent, but who would care to erect mills and build wharves "subject to French whims." The people of St. George's Bay, about the shore of which British subjects have been settled for half a century, have recently been wantonly interrupted in the prosecution of an industry they have followed for many years, and which is necessary to their prosperity. What has happened to them may at any time happen to any of the settlers upon the whole 700 miles of coast over which the French have rights, and when it is remembered that this outrage had nothing at all to do with the lobster question, it will be seen how true is our remark that nothing short of an entire extinguishment of every French claim can bring about a permanent solution of difficulties.

11. But, it is said by some, the treaties must first be interpreted, in order that French rights may be defined, and then the measure of compensation can be gauged. Our reply is, first agree that the rights *are* to be terminated, no matter what they be, and then Newfoundlanders will not object to an arbitration as to the extent and value of those rights.

12. We are convinced that the French do not place upon their rights in Newfoundland the value they profess to attach to them, and if they were firmly told by Great Britain that in some way these rights must cease they would be prepared to treat for their surrender. The recent tone of the French press gives colour to our opinion upon this point, and we most certainly urge that Her Majesty's Government will avail of the opportunity now offered.

13. The French aim, in their whole conduct towards Newfoundland, at obtaining from the Colony a right to purchase bait for use in their bank fishery, and they would probably agree to surrender their rights upon the so-called French Shore if free bait were assured to them. But this assurance Newfoundland will never give unless France either abrogates or materially reduces her bounties upon exported fish, and agrees not to increase them beyond a stipulated figure. If France were to make this concession, Newfoundland would doubtless be ready to concede to her a free right to purchase bait in Newfoundland waters.

14. In our opinion, then, some arrangement upon the following basis could be made:—

- (a.) All French rights upon the so-called French Shore to be terminated, the extent and value of those rights to be decided upon by arbitration after their surrender had been agreed upon, or by arrangement between the two Governments.
- (b.) France to agree to the abrogation of her bounties upon exported cod, or their reduction to an extent to be agreed upon, and an agreement to be made that so long as French fishermen were permitted to purchase bait in Newfoundland waters, French bounties should not be given, or should remain at the stipulated figure.
- (c.) Newfoundland to agree to allow French fishermen to purchase bait, and all other fishing supplies, in Newfoundland, subject only to such stipulation for the protection of bait fishes as may be agreed upon.

15. In making these suggestions we desire to say that our mission has only one object in view, namely, the extinction of French rights in Newfoundland, and that the Colony is willing to continue fighting French bounties by prohibiting the sale of bait to French fishermen. But recognising the French side of the case, and desirous of suggesting a settlement that is reasonable and practicable, we have herein dealt with the bounty and bait questions in addition to the French Shore difficulty.

16. That in this expression of our views we are not stronger than public sentiment in Newfoundland—that, in other words, these views are not factional—is abundantly proven by the joint address to Her Majesty from the Legislature, and we beg to assure your Lordship of our conviction that nothing less than we have suggested would meet with acceptance in Newfoundland.

17. We would esteem it an honour if we could procure an interview with Lord Salisbury, not officially, for we recognise his inability to receive us in that capacity, but simply as citizens of the Colony of Newfoundland desirous of conveying to his Lordship certain opinions and information which may aid him in securing for Newfoundland those benefits which we feel certain he is earnestly desirous of obtaining. If your Lordship can procure such an interview for us, we shall feel deeply obliged.

18. Your Lordship has kindly intimated your willingness to grant us a second interview, and we hold ourselves in readiness to attend upon you whenever you may find it most convenient.

The Right Hon. Lord Knutsford,
Secretary of State for the Colonies.

We have, &c.
(Signed) J. S. WINTER.
P. J. SCOTT.
A. B. MORINE.

No. 2.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, June 7, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter* from Sir James Winter and Messrs. Morine and Scott who have recently arrived from the Colony of Newfoundland to advocate the views expressed in their letter on the subject of the fishery rights enjoyed by the French on part of the coast of the island.

Lord Knutsford would be glad to learn what answer Lord Salisbury wishes to be returned to the request of these gentlemen for an unofficial interview.

If Lord Salisbury is prepared to see them he would perhaps prefer that the interview, though unofficial, should be deferred until after he has seen Sir W. Whiteway, the date of whose arrival in this country is, however, uncertain.

The Under Secretary of State,
Foreign Office.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 3.

SIR J. S. WINTER and MESSRS. SCOTT AND MORINE to COLONIAL OFFICE.

Westminster Palace Hotel, London,
June 16, 1890.

MY LORD,

WE have the honour to transmit, for your Lordship's information, a resolution adopted by the House of Assembly of Prince Edward's Island in reference to French rights and claims in Newfoundland, forwarded to us by the Speaker of the Assembly, and resolutions adopted by the Boards of Trade of Halifax, St. John, N.B., Montreal, Hamilton, and Toronto respectively, in reference to the same subject, handed to us by Mr. D. J. Greene, Q.C., M.L.A., a member of the delegation sent to Canada by the people of Newfoundland.

We have, &c.
(Signed) J. S. WINTER.
P. J. SCOTT.
A. B. MORINE.

* No. 1.

Enclosure 1 in No. 3.

DEAR SIR,

House of Assembly, Charlottetown,
Prince Edward's Island, May 8, 1890.

I HAVE much pleasure in transmitting to you the enclosed resolution which was passed unanimously by the House of Assembly of this Province on the 6th instant. I trust that it will meet with your approval and assist you in securing a just and equitable settlement of the claims of the people of Newfoundland.

I have, &c.

(Signed) PATRICK BLAKE,
Speaker.

Sir James Winter, London, G.B.

On motion of the Honourable Mr. Macleod, seconded by Mr. Yeo—

Resolved: That this House do come to a resolution as followeth:

Whereas the claims of the subjects of France to exclusive fishing and curing of fish on certain portions of the coast and waters of Newfoundland retard the development of that island:

And whereas it is the opinion of this House that as Newfoundland enjoys the privilege of responsible government, the coastal fisheries within the jurisdiction of said island should not be granted or given away without the consent of the local legislature of that Colony:

And whereas the *modus vivendi* recently entered into between the Government of Great Britain and the Republic of France constitutes an alienation of such coastal fisheries without the consent of Newfoundland:

Therefore resolved: That the action of the citizens of Newfoundland in protesting against any further concessions of fishing rights to the citizens of France, and the contention of Newfoundland in denying the right of the Imperial Government to enter into any treaty or agreement with the French Government affecting said fisheries without the consent of the local legislature, meet with the approval of this House.

(Signed) PATRICK BLAKE,
Speaker.House of Assembly, Charlottetown,
Prince Edward's Island, May 6, 1890.

And the question being proposed that the said resolution be agreed to: It was carried in the affirmative, and resolved accordingly.

On motion of the Honourable Mr. Macleod (Attorney-General), seconded by Mr. Yeo—

Resolved: That a copy of the foregoing resolution be forwarded by His Honour Mr. Speaker to the Government of Newfoundland.

(Signed) ARCHIBALD MACNEILL,
Chief Clerk.House of Assembly, Charlottetown,
Prince Edward's Island, Canada, May 6, 1890.

Enclosure 2 in No. 3.

DEAR SIRS,

London, June 14, 1890.

HEREWITH hand you resolutions passed by the Boards of Trade of Halifax, Nova Scotia; St. John, New Brunswick; Montreal, Toronto, and Hamilton approving of the course adopted by the people of Newfoundland in reference to French rights and claims upon their coast, and which were intrusted to me as one of the delegates from the people of Newfoundland to the people of Canada.

I remain, &c.

(Signed) D. J. GREENE.

Sir James S. Winter, K.C.M.G.
P. J. Scott, Esq., Q.C.
A. B. Morine, Esq., M.L.A.

Resolved: That the Board of Trade of Halifax, having heard the delegates from Newfoundland on the question of French rights and claims on the coast of Newfoundland, desire to express their warmest sympathy with the people of Newfoundland in the efforts they are now making to assert their constitutional rights.

Resolved: That the Board of Trade desire to express their concurrence with the resolutions passed at a mass meeting of the citizens of St. John's, Newfoundland, held on the 26th day of March last, and feel convinced that it is the duty of the Imperial authorities to relieve the Colony of Newfoundland from a condition of affairs which has become so anomalous and intolerable.

Resolved: That in view of the important trade relations existing between Nova Scotia and Newfoundland, which are seriously prejudiced by the manner in which French rights and claims are enforced on certain parts of the coast of Newfoundland, particularly in relation to the lobster canning industry, this Board of Trade hope that the Dominion Government will carefully consider the matter and take such action as will be best calculated to conserve the interests of the trade of this Province.

(Signed) W. C. SILVER,
President.
H. C. BISHOP,
Secretary.

A RESOLUTION of the ST. JOHN, N.B., Board of Trade, passed at a Meeting held
May 23, 1890.

That the Board of Trade, St. John, N.B., have listened with deep interest to the addresses of the Newfoundland delegates, Messrs. Bowers and Greene, on the French claims on the coast of that Colony—

Resolved: That in view of the injurious character of the pretensions of the French on the coast of Newfoundland: This Board trust that the Imperial Government will take immediate steps to resume and enforce the sovereign rights on the whole coast of Newfoundland.

Resolved: That this Board wish to express their fullest sympathy with their fellow Colonists in Newfoundland in all matters pertaining to the welfare and integrity of the Great Empire of which they form a part.

(Signed) J. DE WOLFE SPURR,
President.
IRA CORNWALL,
Secretary.

Office, Board of Trade,
10, St. John Street, and 39, St. Sacrament Street,
Montreal.

RESOLUTION adopted at a SPECIAL MEETING of the MONTREAL BOARD OF TRADE held on
May 19, 1890.

Resolved: That the Montreal Board of Trade holds as a principle of the highest importance to the unity and welfare of the Empire, the right of all self-governing British Colonies to the control of their territory and coast; and that this view was endorsed by the Imperial Government in a Despatch to the Newfoundland Government, dated 26th March 1857, which stated "that the rights enjoyed by the community of Newfoundland are not to be ceded or exchanged without their consent, and that the constitutional mode of submitting measures for that assent, is by laying them before the Colonial Legislature," and that "the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

That the *modus vivendi* adopted in March 1890, between Her Majesty's Government and the Government of France, relative to the establishment of lobster factories on

the coast of Newfoundland, where the French enjoy rights of fishing conferred by treaties, is an encroachment upon the rights of that Colony as defined in the Imperial Government's Despatch of 26th March 1857, and the Montreal Board of Trade hereby affirms its sympathy with the legislature and people of Newfoundland in their protest against such encroachment.

That the fishery privileges enjoyed in Newfoundland by the French under treaties between England and France, entered into for Imperial advantage, are, and will continue to be, a source of trouble and loss to the people of that Colony, and of annoyance to its Government; and the Montreal Board of Trade therefore considers that the Imperial Government should endeavour to effect some arrangement whereby, for an equivalent, said privileges would voluntarily be surrendered by the French Government.

Certified a true copy :

GEO. HADRILL,
Secretary.

EXCERPT from MINUTES of COUNCIL MEETING held May 13, 1890, 3.30 p.m., specially called to receive the Delegates from the People of Newfoundland.

MESSRS. D. J. GREENE, Q.C., M.L.A., P. R. BOWERS, and DONALD MORISON, M.L.A.

JOHN I. DAVIDSON, Esq., President, in the Chair.

Moved and seconded—

That whereas the Council of the Board of Trade of the city of Toronto has had placed before it by Mr. Greene, Mr. Bowers, and Mr. Morison, delegates from the people of Newfoundland, a statement of the grievances under which the Colony is suffering by reason of alleged French rights and claims to certain parts of the coast of Newfoundland, and of the manner in which these rights and claims are asserted :

Be it therefore resolved—

1st. That this Board of Trade hereby endorses the action taken by the people of Newfoundland in protesting against any treaty or Act affecting them, without having first obtained their consent through their properly constituted authority and expresses the hope that the efforts now being made by Newfoundland to assert and maintain its territorial rights will be successful.

2nd. That the treaties under which the French make claims upon a part of the coast of Newfoundland were entered into at a time when the condition and circumstances of that Colony were widely different from what they now are.

That it is the opinion of this Board of Trade that any future negotiations for the settlement of this much-vexed question should have for their basis the granting to Newfoundland of the full and complete ownership of the soil of that island and of its maritime rights pertaining thereto, in the same manner and to the full extent that these rights are now enjoyed by the people of other British Colonies having a constitutional form of Government.

3rd. That in view of the valuable and important trade relations which now exist between Canada and Newfoundland and the desire for still closer relations it is in the interests of the commerce of this country that the injury caused by French smuggling on the coast of that island should be abolished, and this Board of Trade sympathises with the efforts now being made with that end in view, and is of opinion that the vesting in the people of Newfoundland the sole and unencumbered control of all their resources would be of great advantage to the business intercourse of the two countries.

(Signed) JOHN I. DAVIDSON,
President.
EDGAR A. WILLS,
Secretary.

Re NEWFOUNDLAND FISHERIES and the "MODUS VIVENDI" between the BRITISH GOVERNMENT and FRANCE, relative thereto.

At a meeting of the Council of the Hamilton Board of Trade, held at the Board of Trade Rooms on Monday 12th May, the following resolution was unanimously passed :—

That having heard the delegates from St. John's, Newfoundland, upon the question of the fishery rights now in dispute between Great Britain and France, in reference to that Colony, the Council of the Hamilton Board of Trade is of opinion that under the several treaties and agreements entered into, and now existing, and especially under the Despatch of March 26th, 1857, from Mr. Labouchere, Secretary of State, to the Colonial Government; reading as follows:

"That the rights enjoyed by the community of Newfoundland are not to be ceded or exchanged without their consent, and that the constitutional mode of submitting measures for that consent is by laying them before the Colonial Legislature; that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

Therefore the action of the British Government in agreeing to a *modus vivendi* allowing the French fishermen to take and pack lobsters, or in any way granting concessions other than defined by treaty or agreement, herein-before recited, is, in the opinion of the Council, a direct violation, and they sympathise with the Colonists of Newfoundland in their claim for their rights; that President F. C. Bruce, W. H. Gillard, Geo. E. Bristol, T. H. Macpherson, W. A. Robinson, and C. R. Smith, be a committee to prepare a resolution in accordance with the opinion expressed in this resolution.

In pursuance of the duty so imposed, this committee would most respectfully beg to report: That having carefully read and considered all the treaties, conventions, and declarations entered into and passed between Great Britain and France, from the treaty of Utrecht in 1713 to the present time, relative to the Newfoundland fisheries, they feel justified in endorsing every word and sentiment expressed in the report published by the committee of the citizens of St. John's, Newfoundland, appointed at a mass meeting held on the 26th March 1890.

On page 8 of that report, Lord Palmerston in his note to Count Sebastiani, the French Ambassador, very clearly and ably sets forth the construction put upon the treaties by the British Government; this taken in connexion with Mr. Labouchere's Despatch of 1857, as cited in the resolution of the full Council of the Board of Trade, this committee cannot arrive at any other conclusion than that the British Government, either from a want of knowledge of the paramount importance of the fisheries to the Colony of Newfoundland, or from Imperial policy, has not granted to her loyal subjects of that Colony that measure of consideration and protection from foreign encroachment and aggression that has always characterised her dealings with her other Colonial possessions, a policy that has intensified the pride of race and made stronger the bonds of union that unite the Colonies to the mother land.

This committee feels that the question has been so ably and justly dealt with by the Newfoundland Citizens' Committee, in their report, that they cannot do more than to heartily endorse the same, and deeply sympathise with their Colonial brethren in their unfortunate position, expressing the hope that Her Majesty's Government, upon proper representation of the situation being made, will most seriously consider and remove the difficulties that are to-day so grievously weighing upon the energies and aspirations of a community known to be as true and loyal to the British Crown as any over which she holds sway.

Since meeting the delegates from Newfoundland, this committee notices with satisfaction that Sir James Fergusson, Colonial Secretary, in his place in the House of Commons, has stated, that the French have no right to erect lobster factories on the coast of Newfoundland, and the *modus vivendi* in no way effected that right.

This committee cannot close its report without bearing testimony to the marked ability with which the delegates, Messrs. Greene, Bowers, and Morison, placed the case of their Colony before the Council of the Hamilton Board of Trade.

(Signed) F. C. BRUCE,
President.
C. R. SMITH,
Secretary.

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No. 4.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, June 16, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 7th instant,* enclosing copy of a letter from Sir James Winter and Messrs. Morine and Scott upon the subject of the French fishery rights in Newfoundland.

With regard to the request of those gentlemen for an unofficial interview, I am to state that Lord Salisbury would prefer not to return a positive answer at present, but that in any case his Lordship could not receive them until he has seen Sir W. Whiteway.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) T. H. SANDERSON.

No. 5.

SIR J. S. WINTER and MESSRS. SCOTT AND MORINE to
COLONIAL OFFICE.

Westminster Palace Hotel, London,

June 18, 1890.

MY LORD,

IN compliance with your request, we had the honour, on the 31st ultimo,† to forward, for your Lordship's consideration, our views in writing, concerning French treaty rights in Newfoundland. In the same communication we expressed our desire to have an interview with Lord Salisbury, and also our readiness to wait upon your Lordship, at your convenience, for the second interview you were so good as to express a wish for.

As we have determined to leave this city for Newfoundland, via Liverpool, on Saturday or Monday next, we have to request that if Lord Salisbury and your Lordship wish to grant us an audience before our departure you will be so kind as to inform us of your wishes at your earliest convenience.

We have, &c.

(Signed) J. S. WINTER.
P. J. SCOTT.
A. B. MORINE.

The Right Hon. Lord Knutsford,
Her Majesty's Secretary of State for the Colonies,
&c. &c. &c.

No. 6.

COLONIAL OFFICE to SIR J. S. WINTER and MESSRS. SCOTT AND
MORINE.

GENTLEMEN,

Downing Street, June 19, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 18th instant,‡ informing his Lordship of your intended departure from London on Saturday or Monday next on your return to Newfoundland.

Lord Knutsford has communicated with you privately on the subject of a further interview with his Lordship before your departure, and I am to state that your letter of the 31st of May, as well as that now under acknowledgment, have been submitted to the Marquis of Salisbury, who, in reference to your request for an unofficial interview, has requested Lord Knutsford to acquaint you that he fears he cannot see you until after he has had an interview with the Premier of the Colonial Government, who, as you are aware, is expected soon to arrive in this country.

I am, &c.

Sir James Winter, K.C.M.G.
P. J. Scott, Esq.
A. B. Morine, Esq.

(Signed) JOHN BRAMSTON.

* No. 2.

† No. 1.

‡ No. 5.

No. 7.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, June 20, 1890.

WITH reference to your letter of the 16th instant,* I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a further letter† from Sir J. S. Winter forwarding the resolutions passed by various public bodies in Canada on the subject of the treaty rights of the French in Newfoundland.

Lord Knutsford has acknowledged the receipt of this letter.

I am, &c.

The Under Secretary of State,
Foreign Office.

(Signed) JOHN BRAMSTON.

No. 8.

A. W. HARVEY, Esq., to COLONIAL OFFICE.

MEMORANDUM ON FRENCH FISHING TREATIES.

Treaty of Utrecht clearly allows the French the privilege, in common with British subjects, to fish and dry their fish, and to erect stages and huts for so doing, and for that purpose only—but not to live in—not to preserve fish in, in any other way—on the Newfoundland shore from Cape Bonavista to Point Riche.

Treaty of Paris merely confirms privilege granted by Treaty of Utrecht as regards Newfoundland; but also cedes in full right St. Pierre and Miquelon as a shelter to “erect no buildings upon them.”

Treaty of Versailles, in its fishery clauses, does not in any way allude to the next preceding one (Paris), the framers apparently ignoring it altogether, and referring back to that of Utrecht, gives French the same rights of fishing as were given by that of Utrecht, somewhat altering the coast line, but only giving the same right of fishing in common with British subjects, and of drying fish and erecting stages and huts for this purpose only, and not for dwelling-houses or buildings for the preserving of fish in any other way. It cedes St. Pierre and Miquelon in full right without the stipulation as to the non-erection of buildings.

Treaties of Paris 1814–1815 merely restore the privileges granted by Treaty of Versailles.

It thus appears that, apart from the Declarations of the two Kings, the treaties limit the rights of British subjects in no way whatever on sea or land on the treaty coast, and the British Government are in no wise restricted from making grants of land and giving perfect fee simple titles to any part of the country without any reservation whatever. It also appears that British subjects can fish anywhere and at all times, although such fishing may interfere with and forestall the French on all fishing grounds and thereby practically prevent their fishing.

The conclusion—that the French must be subject to all laws and regulations enacted by British authority—that French ships may be made to enter at customs—pay light dues and customs duties unless modified by some other agreement, is irresistible.

On the other hand, unless modified by some other agreement, St. Pierre and Miquelon are French territory subject to no conditions whatever.

If limited then to those conferred by treaty only, French rights on the treaty shore would be absolutely valueless to them and of very little annoyance to British subjects, while these latter would have no *locus standi* to object to any use to which the French might put the islands of St. Pierre and Miquelon; and the fishing question would be narrowed to a degree which would make a final settlement very easy.

But as it appears to have been admitted on both sides that the King's declarations should have all the force of a solemn treaty, these must be reckoned with, and herefrom appears to arise almost the whole of the troubles of the fishing question. It would appear that heretofore the provisions of these declarations have been extremely strained

* No. 4,

† No. 3.

in favour of the French, and those portions unfavourable to that nation have virtually been ignored.

It is the object of this memorandum to concentrate attention on the provisions of these declarations, which are as follows :—

The King of England declares that the mode of carrying on the fishing shall be the same as under the Treaty of Utrecht. It shall not be deviated from by either party, showing most clearly that the English were to fish there in common with the French, but not to interrupt the French. And the King further says that he will cause to be removed the fixed settlements. The context shows that such fixed settlements only are meant as interrupt the French, and the English King is evidently to be the judge of what settlements do interrupt the French, whose erections were to be such only as provided for under the Treaty of Utrecht, “scaffolds,” and “stages and huts for drying fish,” not dwellings, stores, or fish-preserving buildings.

Further, and this is of the utmost importance, the King cedes St. Pierre and Miquelon “*for the purpose of serving as a real shelter to the French fishermen in full confidence “that these Possessions will not become an object of jealousy between the two nations”; and the French King promises his “constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.”

The cession of these islands, then, is for a certain specified purpose only, and is coupled with the condition specially reported by the French King, that they shall not be so otherwise used as to cause jealousy.

The one special purpose for which these islands were given and accepted has become in course of time a minor one, and they are used in every way to cause jealousy and great injury to the subjects of the Power making the cession, and if a breach of the conditions on which they were ceded justified the revocation of the cession, these islands should have long since been reclaimed and repossessed by Great Britain, and the present continuous and continual breach of these conditions ought to warrant their immediate restoration.

At the time of the Treaty of Utrecht, to which the Kings refer to describe the mode of prosecuting the fishery, it is pretty certain France paid no bounties on the export of fish to countries outside France, and now probably 200,000*l.* per annum are paid by the French Government on fish caught by vessels using St. Pierre and Miquelon as a basis of operations.

Surely in case of arbitration this misuse of these islands should form a substantial subject of reference.

Also their use as a smuggling depôt, for which reason no British consul is allowed on these islands, should be considered.

As a place of general trade, and an outfitting centre for French men-of-war, they are as much used as for a shelter.

The declarations of the Kings should either be ignored altogether, and matters revert to the conditions of the treaties, or all the intentions as declared by the Kings should be enforced and carried out in their integrity. Under either condition Newfoundland would be much better off than she has been when the declarations have been enforced when against her interests, and entirely ignored wherein they relate to the cession of St. Pierre and Miquelon, and the purposes to which these islands are devoted principally at the present time.

A. W. H.

July 24, 1890.

No. 9.

A. W. HARVEY, Esq., to COLONIAL OFFICE.

MEMORANDUM ON FRENCH FISHERY BOUNTY.

The operation of the French bounties as given at present does not appear to be the most advantageous possible to French interests.

At present the principal bounty is paid on the export of codfish to countries outside France, and varies in amount from 8 francs to 11 francs per English hundredweight, while practically no bounty is given on fish consumed in France.

The effect of this is that the French wine and olive grower is obliged to pay for such fish as he consumes, and the French Government for such fish as the Army and Navy

* The French version has the words “de servir réellement d’abri aux pêcheurs,” which appears to more strictly confine the purposes of the cession than the English text.

consume from seven to nine francs per hundredweight more than the French fish merchant sells the same fish at to the Italian and Spanish wine and olive grower or to the Spanish and Italian Commissariat officer for consumption by their respective soldiers.

In this way the French taxpayer assists his rival to live cheaper and consequently to sell his produce cheaper than the Frenchman himself.

The Frenchman also pays a tax in this way to keep up the armies of his neighbours.

If France would take the 300,000*l.* or 400,000*l.* a year which she yearly pays in bounties to fish sent into Italy and Spain and the United States and would pay it on fish consumed in France, it would cheapen the food of her operatives and troops, probably increase the consumption of fish in her own territory sufficiently to consume the catch of as many fishermen as she has now on the banks, raise the cost of living to Spanish and Italian wine and olive growers, and thus oblige them to advance the price of their produce to the great advantage of France, and as this mode of paying bounties would be very little injurious to Newfoundland she would probably get her bait on former conditions.

A. W. H.

24/7/90.

No. 10.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, August 2, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a memorandum* received from Mr. A. Harvey, of Newfoundland, relating to the treaty rights of the French on the coast of that island, and to the position of the islands of St. Pierre and Miquelon ceded to the French.

There appears to Lord Knutsford to be considerable force in Mr. Harvey's arguments. The British Declaration attached to the Treaty of Versailles is no doubt the chief source of trouble in connexion with the fishery question. While the French claim to extend that declaration as to fixed establishments, so as to destroy all enterprise on the West Coast, they have no scruple in ignoring their own obligations and in turning the fishery shelter at St. Pierre into a smuggling depôt to the direct injury of the Colonial Government. Lord Knutsford is of opinion that if the meaning of the declarations are ever submitted to arbitration the purposes to which the French are in the habit of putting St. Pierre and Miquelon should be brought out.

The Under Secretary of State,
Foreign Office.

I am, &c.
(Signed) R. H. MEADE.

No. 11.

COLONIAL OFFICE to A. W. HARVEY, Esq.

SIR,

Downing Street, August 2, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your memoranda of the 24th ultimo,† on matters connected with the Newfoundland fisheries question.

Copies have been communicated to the Secretary of State for Foreign Affairs.

A. Harvey, Esq.

I am, &c.
(Signed) R. H. MEADE.

* No. 8.

† Nos. 8 and 9.

A. W. HARVEY, Esq., to COLONIAL OFFICE.

MEMOIR on the Effects of the NEWFOUNDLAND BAIT ACT as traced in the FRENCH OFFICIAL YEAR BOOK of ST. PIERRE for the Year ending December 31st, 1888.

The Bait Act was first passed by the Newfoundland Legislature in 1886, and was disallowed by the Imperial Government.

In December 1886 notice was given (after the disallowance of the Bait Act, but also after the British Government had sufficiently signified that the disallowance could not be maintained against the wishes of the Colony) by the Governor of St. Pierre that the number of French fishing licenses, which had rapidly and continuously increased since 1878, would not be further increased, but that they should be decreased.

In the session of 1886 a joint committee of both branches of the Legislature reported on the increase of the French fishery as follows:—

“The French fishery in relation to ours has undergone considerable change in recent years, seriously to our disadvantage. In the first place, to fish exported from St. Pierre to countries outside France (that is to say, to markets where it competes with ours) an average bounty of 10 francs per quintal (112 lbs. English) is at present paid by the French Government. Formerly this did not conflict with our interests, as the French bankers were equipped in France and brought most of their produce back to France to be consumed there, leaving only a small portion for exportation from St. Pierre to the French West Indies; consequently Newfoundland rarely, if ever, found France a competitor in those markets to which we exported our fish. Now, however, St. Pierre has become an extensive port of trade and of export for traders of other countries, and there is a large fleet of French bankers, and also a fleet, sailing under the French flag, managed by French agents at St. Pierre, and owned to some extent by English and American subjects, employed in catching fish to compete with us in all European markets. This increasing fleet of bank fishers has an enormous advantage over our fishermen from the fact that, in addition to the bounty before referred to, they obtain food and goods of all kinds necessary for the fishing at St. Pierre almost free of duty. While our fishermen are thus handicapped in the catching of fish, this fleet of bankers from St. Pierre obtain their supply of bait from our waters. The fish thus taken is landed at St. Pierre, and on its export receives from the French Government a bounty equivalent to about 10 francs for every 112 lbs. English, 8 francs direct, and about 2 francs indirect bounty.

“The average price of Labrador fish, which is more especially competed with by French bank fish, did not exceed in this Colony during the past season 11 francs for every 112 lbs.; it will thus be seen that the bounty as above and the differential duty on St. Pierre fish entering Spain under the most favoured nation clause in the Spanish tariff, amounts to twelve and one half francs ($12\frac{1}{2}$ frs.) on every 112 lbs., or in other words to more than the whole value obtained by our fishermen for Labrador fish.”

A reference to the statistics furnished by the Year Book and appended hereto will show that at the date of this report of the Newfoundland Legislature the quantity of French bank fish had in the nine years from 1878 to 1886 increased from 41,108 quintals dry, and 321,748 quintals green fish, to 223,967 quintals dry, and 700,849 quintals green; or, to turn it all into green fish at our usual calculation, from 403,864 quintals to 1,148,743 quintals, or close upon 300 per cent. in nine years.

In the year 1886 the Bait Bill passed, but was disallowed; but it had the effect of making the St. Pierre authorities curtail their licenses to fish. From 1886 to 1888, two years of the Bait Bill, the catch has declined to 676,251 quintals dry and green, or more than 50 per cent., and if the statistics could be had for 1889 the decline would be about 75 per cent..

To understanding the bearing of the Year Book's information it is absolutely necessary that the different dates referred to should be borne in mind.

The Year Book, page 35, says:—

This question of bait is so intimately connected with the cod fishery, it gives rise to so lively a business traffic in our port, that it will behove us to give it more than a simple mention. One most noticeable fact is the periodicity of the return of the bait. It is on account of this regularity in the dates of its arrival that the fishermen have divided their fishery season into first, second, and third fisheries.

The first fishery (April to June) is made with herring. It is in the harbours or creeks, so numerous on the coast of Newfoundland, that are captured by means of seines the herring which were brought to us here by those little Newfoundland craft known as "galopeurs."

A recent law passed by the Newfoundland Legislature, and sanctioned by the Queen of England, has put an end to this state of things. Alleging that the bounties given by France do not permit Newfoundland fishermen to compete to advantage with our countrymen in supplying codfish to foreign markets, and in the end to cause French fishermen solely to supply the metropolitan market, the said law prohibits Newfoundland fishermen from January 1st, 1888, to furnish us with bait which they have been accustomed to bring us, for which they receive from us, as they themselves confess, nearly a million of francs.

When the first herring comes it sells high enough, sometimes twenty francs a barrel, but by degrees as the demand does not come up to the supply the price declines, until when all the bankers are supplied it falls so low that it goes to enrich the soil of the farms.

The second fishery (June to July) is made with caplin; this time we are not forced tributaries to the Newfoundland coast. From the 12th to the 15th of June, with a regularity which is never belied except in entirely exceptional years and notably in 1888, a marvellous phenomenon takes place in the small bays of these two islands (Miquelon and Langlee) which lasts many days. There is in the tide which washes the shore such a multitude of caplin that the sea loses its green and becomes a milky colour. "The inflow brings them in, the recoil takes them out"; but not quickly enough to prevent millions of caplin being left behind exhausted, fluttering on the beach. The hecatomb which goes on without cessation often is as much as thirty or forty centimetres in height, but it is not among the dead or the dying that the fisherman obtains his supply, but prefers to go and take it from the waves, where he can very quickly fill his boat.

The third fishery (July and September) is made with squid, a little cuttle-fish which allows itself to be taken with a pin jigger, attached to a hand line. At the sparkling of the jigger the squid approaches and is taken with the hooks of the engine In the places where squid are reported, all sorts of outfits are got to take them; women are in the majority fishing for these. In reality the sale of the squid brings a pleasant addition to these poor house-keepers. When the squid fail on our shores, or nearly fail, it is furnished us by the English; and some hundreds of thousands of francs which would be very welcome in the families of our fishermen go into the pockets of our neighbours.

These different sorts of bait are carried salted on board our bankers. The different kinds of bait are put on board the bankers in salt to preserve it. It is necessary to do this, but it is generally admitted if the cod are offered both fresh and salt bait at the same time they give the preference to the first.

It is in consequence of the knowledge of this fact that some shipowners have conceived the idea of keeping the different kinds of bait in ice.

Squid preserved in salt gave fairly satisfactory results during the last year's campaign, and will be used almost exclusively for the first baiting as long as the Bait Bill remains in force.

Why should they use salt squid when they in the same paragraph assert fresh bait to be better, if they could get fresh herring, which they assert to be the bait to be used for their first fishery?

Why do they limit the time of the use of the salted squid to the time the Bait Bill is in force?

The answers appear to be that, judging by experience, they know they will not get fresh herring in time for their first fishery as long as the Bait Bill is in force, and, secondly, that they will not use salt squid when they can get fresh herring.

Some vessels fitted out by the Colony will go for supplies of herring to Bay St. George, which is free from ice about the beginning of May.*

As for the whole first trip it will be done either with herring caught and preserved in St. Pierre, or with squid kept in some way which in 1888 gave results superior to those obtained from herring. In this way the difficulties which the Legislature of Newfoundland have wished to put in the way of our industry by the institution of the Bait Bill will be overcome.

The foregoing extracts from the St. Pierre Year Book appear to prove the whole case for the Bait Bill as regards the first, and by far the most important, of their three trips. A reference to the statistics given below appears to confirm this in every particular.

As to the loss suffered by the revenue by smuggling before the Bait Bill, and as confirmatory evidence that in 1888 exceedingly few Newfoundland craft went to St. Pierre, the following extract is most significant (page 48):—

On account of the proximity of the southern shore of Newfoundland there has existed up to the present an incessant to and fro trading of small vessels, which during the fishery season carried to St. Pierre the bait required by the bankers, taking back from here in exchange various goods, such as molasses, flour, salt pork, brandy, tea, sugar, &c. This business in the multiplicity of the articles dealt in gave an extremely brisk trade, which has singularly fallen off since the putting in force of the Bait Bill.

* Note that they only claim to be able to get to the banks some time in May, when baiting at Bay St. George.

How much of the expense of enforcing the Bait Bill has been recouped to the Colony by the revenue collected on goods which formerly came in from St. Pierre, duty evaded ?

It will be noted, from the following statistics, that decline in quantity and advance in price follow immediately on the enactment of the Bait Bill, and a similar advance in the price of the Newfoundland catch of Labrador is recorded, from (12s.) twelve shillings, as stated in the report of the Newfoundland Legislature in 1886, to (17s. 6d.) seventeen shillings and sixpence in 1888, and (15s.) fifteen shillings in 1889.

It will be seen that the increase in catch on account of a large number of small vessels fitted out from St. Pierre, not from Old France, took place from 1880 to 1886.

STATISTICS OF FRENCH COD FISHERY.

Year	Quintals of Dry Fish.	Price in Francs.	Total Value Dry Fish.	Quintals of Green Fish.	Price in Francs.	Total Value Green Fish in Francs.	Total Bounty (exclusive of that paid on the "Roe" and the Outfit).
		Francs.	Francs.		Francs.	Francs.	Francs.
1878	-	26	1,068,827	321,748	22½	7,239,338	
1879	-	22½	1,401,317	343,297	17½	6,007,592	
1880	-	25	2,317,646	324,469	17½	5,678,223	
1881	-	20	1,833,669	289,132	15	4,337,017	
1882	-	45	4,134,524	327,598	20	6,551,978	1,468,525
1883	-	45	3,111,356	470,878	19½	9,117,570	1,899,315
1884	-	20	3,314,266	877,783	17½	8,361,206	2,662,935
1885	-	20	3,178,035	678,765	17½	11,843,381	3,226,274
1886	-	12	2,687,691	700,849	6	4,205,097	4,451,480
1887	-	25	3,445,591	630,871	16	10,093,941	4,111,558
1888	-	28	3,268,596	442,785	18	7,970,146	
1889	-	Total catch estimated from <i>unofficial</i> sources equivalent to 480,000 quintals dry, against 594,520 quintals equivalent to dry in 1888, and 908,300 quintals in 1886.					

Bait Bill
enacted.

It must be noted that the gain to Newfoundland does not consist in the difference between twelve shillings in 1886 and fifteen in 1889, because at twelve shillings no merchant or planter would outfit for the Labrador, and consequently the catch would practically cease, and the loss to the Colony would be the total, 400,000 to 500,000 quintals and the resulting cod oil, say \$1,600,000 per annum, a loss from which Newfoundland has been so far saved by the Bait Bill.

In the above table two things may be worth noting, that the year when the Newfoundland Legislature said the value of Labrador fish did not exceed twelve shillings per quintal the French dry fish was valued at exactly the same figure, and in 1888 they valued it at twenty-eight shillings; and it will be observed that whereas the whole of their large catch in 1886 only netted 2,441,308 francs after the bounty is deducted, their catch, which was 50 per cent. less in 1888, would in that year net 8,738,742 francs, or more than 300 per cent. more.

If once the French fishermen are assured of a supply of bait, their outfit will again increase, and the result will be a return to the prices of 1886, and the Labrador fishery will cease to be prosecuted.

The French first trip to the banks is the most valuable one to them. They want to be there on the 10th of April; and herrings in St. Pierre after the 10th of May are of very little value.

If herring can be kept from them between the 1st of April and 10th of May, the first banking trip is terribly handicapped. This can be done with certainty and with not too great a cost; but until it is allowed that it is a matter of vital importance to accomplish this end the improved means need not be discussed.

A. W. HARVEY.

August 7, 1890.

The portions of this Memoir in small type are verbatim extracts from the Official Year Book of St. Pierre issued by the French Government. The Memoir was originally written to show the French view of the effect of the Bait Act.

A. W. H.

No. 13.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, August 26, 1890.

I AM directed by Lord Knutsford to transmit to you herewith, for the information of the Marquis of Salisbury, a copy of a memorandum* received from Mr. A. W. Harvey, of Newfoundland, on the effects of the Newfoundland Bait Act as traced in the French Official Year Book of St. Pierre for the year ending December 31st, 1888.

The Under Secretary of State,
Foreign Office.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 14.

COLONIAL OFFICE to A. W. HARVEY, Esq.

SIR,

Downing Street, August 26, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your memorandum, dated 7th instant,* on the effects of the Newfoundland Bait Act as traced in the French Official Year Book of St. Pierre for the year ending 31st December 1888.

Lord Knutsford desires me to thank you for this interesting memorandum, of which he has sent a copy to the Foreign Office for the information of the Marquis of Salisbury.

A. W. Harvey, Esq.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 15.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received September 11, 1890.)

Government House, St. John's, Newfoundland,
August 23, 1890.

MY LORD,

I HAVE the honour to forward, for your information, duplicate copies of the Annual Report of the Chamber of Commerce of St. John's, and while I cannot but strongly deprecate the discourteous action of that body, which should be aware that naval officers have but to obey their orders, when the Admiral recently visited us, still I am happy to be able to add that I learn that, though it shows the feeling of the majority of the commercial community, such action was in no way unanimously approved of.

The question of the confiscation of the "Mary" has already been reported on by me, and the case, if as stated, seems, to say the best of it, to have been a very hard application of the law on the part of the authorities at St. Pierre, particularly as the punishment falls mainly on innocent parties.

The case clearly shows, in my opinion, the necessity for English interests being represented in that Colony by a proper consul, or, if that be impossible, at all events by some resident Imperial official similar to the gentleman (a consul of the first class) who is stationed here by France, who, although unrecognised by us, being on the spot is ever ready to give or obtain advice and furnish much needed information to his Government. I therefore would most strongly support the Chamber and urge that action in this direction be taken without delay.

I have, &c.
(Signed) T. O'BRIEN, Lieut.-Colonel,
Governor.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 15.

REPORT of the CHAMBER OF COMMERCE for 1890.

The Chamber of Commerce at the close of its official year has the honour to submit to the Commercial Society, the report of its proceedings and a record of the trade and fisheries to the first of August.

The cod fisheries of last year were not successful. The fishery in the northern bays and on the shore where the French have treaty rights was far below an average catch. On the south and west coasts it was nearly up to an average voyage. The Grand Bank fishery was 25 per cent. less than in 1888, whilst on a very large section of the Labrador coast the result was a wretched one. The prices realised abroad in most of the consuming markets although not satisfactory were unattended with the heavy losses of many former years. The Chamber is pleased to note some improvement in the cure of codfish in the past year, but from the keen competition of our French and Norwegian rivals further improvement is still desirable and necessary to enable our staple to hold first place in the several foreign markets. The quantity of salmon caught was short, but good prices were realised. The take of herring on the Labrador coast was very small, and the prices obtained abroad was not at all equal to the rates current here. The Chamber would again urge on all parties interested in the herring fishery the necessity of greater care in the cure, and the desirability of better and stronger packages. The lobster canning business has increased enormously, giving profitable employment to many, and the result last season was generally remunerative to most parties engaged in that industry.

The seal fishery of 1890 was on the whole a satisfactory one. In point of numbers the seals taken were considerably short of the previous spring, but the excellent yield of oil and the superior quality of the skins compensated for the deficiency; and the realisation of both promises well.

The Chamber regrets that it cannot report favourably on the prospects of the present shore cod fishery. In the northern bays they have again a poor catch. South and west there is evidence of a fair voyage, while the Grand Bank fishery to date is the worst for several years. It is too early in the season to form a definite opinion as to the Labrador catch, but the prospects are very promising on the southern section of that shore, which has of late years (owing to unsuccessful results) been largely abandoned by fishermen, consequently the total take from that area will not be so great as might otherwise have been expected. The fishery in the Straits of Belle Isle is very encouraging. The salmon fishery is likely to be a good one, and fair prices are anticipated. The take of lobsters this year has been small, and although the prices realised here and abroad are high, it is not likely to be generally remunerative to those engaged in the canning business.

The Chamber having learnt that the Government intended to substitute a system of licenses in lieu of vigorously carrying out the Bait Act, called a special meeting of the Society on the 8th of April last, at which meeting, after careful consideration, the following resolutions were passed and were promptly presented to his Excellency the Governor, for the information of his Ministers:—

Resolved,—That the Commercial Society having learnt that it has been proposed during the present session of the Legislature to modify the recent legislation in relation to the supply of bait to foreigners by the adoption of a system of licenses to enter the ports of the Colony, and obtain supplies of bait in consideration of a tonnage rate or tax, desires to express its conviction that the magnitude of the consequences involved in such a proposal calls for the earnest and urgent consideration of this body.

Resolved,—That the policy embodied in the measures known as the Bait Acts, namely, the absolute prohibition of the supply of bait to the French whose competition against us in foreign markets, assisted by large bounties from their national treasury, threatened the destruction of our fish trade in those markets and disaster to the general interests of the Colony, was after the most mature and earnest deliberation adopted by this body and the entire commercial community as the only effective means of self-preservation within our reach.

Resolved,—That the Colony having been successful in obtaining the assent of the Imperial Government to a measure attended with considerable international difficulties, and the experience of the working of the measure having been such as to demonstrate the wisdom of the policy which led to its enactment, that under the proposed modifications the French will at a trifling cost be again enabled to obtain unlimited supplies of

bait, and to continue their bounty-fed competition against us upon an increasing scale, and that a return to the former condition of things with all its dreaded consequences is inevitable, this body is of opinion, therefore, that no sufficient reason can be shown for a reversal of that policy.

Resolved,—That for these reasons this body considers it to be its duty, with a view to the preservation of the general interests of the Colony, to make its most earnest and emphatic protest against the contemplated legislation, and to adopt such a course as upon further consideration may be deemed desirable for the prevention of the threatened calamity.

Resolved,—That it is the firm belief of this meeting that if the proposed change is made, the Labrador fishery supplies for the ensuing season will be materially restricted, and that consequently considerable suffering will result to many of the fishermen of the Colony who are depending on that branch of the fishery.

The Chamber now regrets having to record that, notwithstanding the earnest protest made in these resolutions, the contemplated changes were made, and the fears expressed by you, with the probable results arising from such change, have unfortunately been fully confirmed. The number of French fishing vessels availing of the privilege of coming in for bait, being so small, clearly proves that the protection of our bait (intentionally or otherwise) has not been effectively carried out this season, and that while the operation of the law under the present system has been the cause of considerable irritation and expense to our immediate neighbours (United States and Canada) with whom we have large interdependent business relations, our chief rivals have been largely supplied with bait at a moderate cost.

The Chamber is glad to report that the experimental fish hatchery at Dildo Island is turning out a large number of codfish and lobsters, and hopes the success of the undertaking may prove so great that it may lead to the establishment of other hatcheries in our northern and western bays.

In July H.M.S. "Bellerophon" carrying the flag of Vice-Admiral Watson, paid St. John's a visit. Looking to the excited state of public feeling arising out of the recent troubles on the so-called French shore, and intensified by arbitrary, if not unlawful, acts on the part of officers of the squadron, acting under his Excellency's orders, the Chamber deemed it prudent to withhold the customary address, not wishing to introduce subjects of controversy which would interfere with the hearty welcome which the citizens of the capital always extend to the Admiral in command of the North American fleet.

The Chamber regrets to record its opinion that the orders received and enforced by the British naval officers on the station, while grievously operating against Newfoundland fishermen, powerfully aid the officers of the French fleet in giving effect to their misinterpretation of existing treaties. Years ago the Chamber was in the habit of calling attention to the necessity that existed of having a Consular agent at St. Pierre, and the consequent representations that were made to the proper authorities having borne no fruit the matter of late has not been referred to in the Annual Report. True, in that remarkable monument to British-Colonial Diplomacy the Ford-Pennell Convention of 1885, our just demand in this respect was, as a favour, to be conceded in exchange for everything that made the French shore of any value to us; but the absolute rejection by the Colony of that arrangement left matters *in statu quo*. Now, however, an intolerable outrage (vindictive in the light of recent events) has once more caused the Chamber of Commerce in the interests of the trade of the Colony to demand that the oft repeated request of the Colonial Government should be acceded to.

It appears that a freighting schooner called the "Mary," bound from Rose Blanche to St. John's, was forced by adverse winds to take shelter at St. Pierre. This schooner, owned by one Draddy of Placentia Bay, was laden with a cargo of codfish consigned and belonging to a St. John's mercantile firm. While at St. Pierre some of the crew landed and sold a small quantity of cod roes which were their own property, and this act was made a pretext for not only seizing the schooner but also for confiscating the cargo, the property of parties who had no connexion with or control over the said crew or vessel.

In the absence of a British consular agent prompt and adequate representations cannot be made, and the master and crew of the schooner are deprived of that moral support and assistance which, as British subjects, they are entitled to. But whilst this right of representation, which is respectively accorded by European nationalities in amity with one another, such has been persistently denied to the most ancient of Great Britain's Colonies. The French have had their interests conserved by a resident consul, although latterly he has not been furnished with Her Majesty's Exequatur, but he is *de facto*

consul and exercises all the functions of one; whilst Newfoundland is denied even an unofficial agent at St. Pierre as was lately proved when a British commercial agent was expelled therefrom by the French authorities.

While France refuses the usual national courtesy as regards this British Colony, she recognises a representative of the United States of America at St. Pierre in the person of a vice-consul. The Chamber again calls the attention of the trade to this anomaly, and will continue to urge the Colonial Executive to demand its just right.

The Chamber sincerely regrets having to record the death of the Honourable Charles Bowring, who for many years was an active and prominent member of the Commercial Society.

ROBERT H. PROWSE,
President.

St. John's, August 13th, 1890.

No. 16.

SIR W. V. WHITEWAY and A. W. HARVEY, Esq., to COLONIAL OFFICE.

SIR,

Hôtel Métropole, October 9, 1890.

You having "confidentially" only read to us a copy of the communication from Lord Salisbury to Lord Lytton, and his reply in relation to the French fishery question, we are not in a position, in the absence of a careful perusal of this correspondence, to appreciate the contents in all their bearings, but we desire to express to Her Majesty's Government our strong opinion that the absolute concession to the French of the right to procure bait in Newfoundland *is far in excess of* an equivalent for a withdrawal by them from the treaty coast. We would remind Her Majesty's Government that this bait supply is an *indispensable necessity* to the efficient prosecution of the bank fishery, and that it is the only lever (as far as we can now see) by which we can hope to force the French into a reduction or alteration of their bounties, such alteration being that the French Government should confine the bounty to fish consumed in French territory, and not grant a specific bounty upon fish exported to foreign countries. We are fully alive to the position that under ordinary circumstances one nation has no right to interfere with the fiscal affairs of another, but the present case may be viewed as unique.

The Islands of St. Pierre and Miquelon were ceded for a special purpose and there is a clear provision that they should be used for no other, whereas this provision has been disregarded by the French and not only have these Islands been made "an object of jealousy" between the two nations, but a source of grievous injury to British fishermen.

We submit that a treaty of reciprocity between two nations is one of common occurrence, and that our proposals can only reasonably be viewed as such.

We beg to suggest that the case would stand thus:

The French require our bait, we say they can have it so long as they do not give a bounty upon the fish caught with it, and exported to foreign markets, for then we are furnishing them with a weapon to destroy our trade.

A fair bargain might be that during such time as the bounties were payable on fish consumed in French possessions, Newfoundland should accord to French fishermen the privilege of purchasing bait of every description on all parts of its coast, but such privilege should cease upon France granting such export bounty.

Any arrangement to be satisfactory, permanent and calculated to terminate the unhappy disputes between the people of the two nations, should embody the provisions—

First. That the French treaty rights on the mainland of Newfoundland be extinguished.

Second. That the French enjoy a free trade in bait so long as they confine the payment of bounties to fish consumed in French territory.

Third. That a French Consul be recognised in St. John's, and an English Consul in St. Pierre.

The tone of the Newfoundland Legislature when considering the proposed arrangement in 1886, indicated a strong opinion that a free traffic in bait ought not to be granted to France unless coupled with an undertaking on its part to modify the bounties. Mr. Harvey, who was chairman of the joint committee of the Legislature in 1886, urged these views strongly during recent interviews at the Colonial Office.

We may quote a paragraph from an address in reply to a requisition calling upon Mr. Fox to offer himself for election to the House of Assembly as a candidate to represent St. John's, one of the largest constituencies in the Island, which we have just received.

“With regard to the French shore question, I shall be satisfied with nothing less than the complete possession and government of our own territory and waters, and I shall aim at the abolition and reduction of those French bounties which so seriously affect our markets abroad.”

And we are confident that the views here expressed are universally entertained. We deem it our duty to make this communication and

We have, &c.

(Signed) W. V. WHITEWAY.
A. W. HARVEY.

Sir Robert G. W. Herbert, K.C.B.

No. 17.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, October 24, 1890.

WITH reference to the letter from this Department of the 22nd instant* enclosing copy of a communication from Sir Wm. Whiteway and Mr. Harvey relating to the proposals recently made to the French Government for a settlement of the Newfoundland fishery question, I am directed by Lord Knutsford to state, for the information of the Marquis of Salisbury, that his Lordship had an interview with these gentlemen in reference to the above matter on the 21st instant.

At this interview Sir Wm. Whiteway and Mr. Harvey explained that their wish was that the negotiations should proceed on the following basis: that the French should relinquish their rights on the Newfoundland coasts, and should confine their bounties to fish consumed in French territories or possessions, in exchange for the free purchase of bait from all parts of the coasts of Newfoundland, and for a territorial or money compensation in addition. Sir Wm. Whiteway and Mr. Harvey further assured his Lordship that they would be prepared to agree on behalf of the Colony to any arbitration upon the basis of the withdrawal of the French from the coasts of Newfoundland.

Lord Salisbury will doubtless consider whether M. Ribot's objection to the restricted nature of the conditions mentioned in his Lordship's Despatch of the 24th of September† would be met by a proposal to expand them by negotiations upon the double basis now suggested by the Newfoundland delegates.

I am, &c.

The Under Secretary of State,
Foreign Office.

(Signed) JOHN BRAMSTON.

No. 18.

ADMIRALTY to COLONIAL OFFICE.

SIR,

Admiralty, December 19, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for the Colonies, copy‡ of a Report by Captain Sir Baldwin Walker, of H.M.S. “Emerald,” dated the 24th November, on the working of the Bait Act, &c.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) EVAN MACGREGOR.

* Not printed, being only formal letter of transmission.

† No. 22 in [C.—6256] March 1891.

‡ Extract only printed.

Enclosure in No. 18.

NEWFOUNDLAND. WORKING OF BAIT ACT, &c.

(Extract.)

H.M.S. "Emerald," Bermuda,
November 24, 1890.

* * * * *

SIR,

I BEG to enclose a set of tabulated statistics which, though not absolutely correct in all cases, are near enough for all practical purposes.

Table 1 shows the respective catches of the Shore, Bank, and Labrador (Fisheries) for Newfoundland.

Table No. 2 gives the particulars of the Bank fishery of Newfoundland and that of France; in the latter the whole of the fisheries, except the treaty shore, is included. From these two tables it will be seen of what very small importance the Shore fishery is to France, and of what immense value to Newfoundland.

There is no doubt, if she had full control of her shores, in a very few years with proper legislation the value of her great industry could be considerably augmented, thus giving her a chance of competing successfully with her real rival, Norway.

Tables 3, 4, and 5 show the French Shore fishery, from which it will be seen, in 1885 there were 1,731 men employed, whereas in 1890 there were only 774, and of these 162 were employed in the lobster industry; this number may be further reduced by 30, as these men only occupied a room for a month in order to obtain the higher bounty, and then went on the Banks.

Thus a steady decline has taken place in spite of all efforts of the French Government to the contrary.

The question of bait has next to be considered, and the value of the legislation restricting its sale.

From table 2 it will be seen that the effect of this legislation was to bring an increased number of vessels to the shore for bait, and also to check the relinquishment of the Shore fishery. At the same time it has in a measure been successful, as it is one of the causes of the decreased export from St. Pierre.

Besides the foregoing, the indirect losses resulting from the Act should be taken into account; bait to the average value of at least \$100,000 was sold annually to the French previous to the Act; this sale has been enormously reduced, with the consequent ruin of many of the inhabitants of Fortune Bay.

Variously
estimated at
between
\$100,000 and
\$300,000.

The direct cost of the carrying out of the Act has to be considered, and is, as nearly as I can arrive at, about \$44,000 annually; this is without any legal expenses or the cost of the imprisonment of the offenders, neither item a small one.

The effect of the Bill has been to cause the French to procure a substitute, and several experiments have been made, I believe, with this object.

There is one thing which should not be lost sight of, which is this, that the French do not (like the Americans, Canadians, and Newfoundlanders) use iced bait, but have always preferred fresh salted bait.

Their reasons for doing so are that they are enabled by this means to remain longer on the fishing grounds. Iced bait will not last longer than three weeks, and after the first 10 days is, I understand, no better than the salted; by using the latter three trips for bait is all that is required, and if squid are on the Banks only two.

One of the substitutes, and undoubtedly the best, is the periwinkle; this is said to be equal to any bait, and many of the French bankers say it is the best to be had. The objections to its use are:—

1st. It is not procurable on all parts of the Banks, but only where the bottom is rocky.

2nd. It requires a larger crew, as it takes of an average two boats and four men to keep the vessel baited.

3rd. Its liability to exhaustion should it come into general use.

It is caught in cages very similar to an English lobster pot, but lower; these are connected to trawls in the same way as the lobster traps, about 50 on a trawl.

Salted sardines have also been extensively used, but are not very successful.

Salted squid are better than the sardines, but cannot be considered altogether satisfactory.

Dried squid is of all the preserved baits, I believe, the best, and will probably be extensively used should the necessity arise.

The next point to be considered is the carrying out of the Act and the difficulties attendant thereon. The weather, undoubtedly, adds very greatly to the difficulties and expense of successfully administering the Act.

The numerous systematic evasions on a large scale, which I have satisfied myself did actually take place, rendered easy by the laxity of the Custom House system in Newfoundland, and also either by connivance or neglect in Canada, caused the incidence to be very much less onerous on the French, who have in consequence been able to obtain a great deal more bait than Newfoundland is willing to allow, and each year their arrangements for evading and otherwise obtaining what they require are more complete.

Table 2 is a strong proof of this, as far as the early bait (herring) is concerned. As regards the capelin, they were scarce everywhere in 1889, the Fortune Bay vessels themselves had difficulty in obtaining what they required; the fact that the capelin hardly struck in at all to Miquelon was the principal reason of the French visiting the east coast in such numbers, and was also one of the causes of the reduced catch.

To sum up the effects of the Bait Act :—

- 1st. It entails a direct expenditure of about \$44,000 per annum.
- 2nd. It is the cause of loss by the non-sale of bait of at least \$100,000 per annum.
- 3rd. It creates a great deal of hardship on many of the fishermen on the south coast without any corresponding advantage.
- 4th. It has checked the abandonment of the coast by the French, which up to 1887, when the bait question was first raised, had been rapidly taking place.
- 5th. It has failed to maintain the price of fish even during seasons when the export from Newfoundland has been under average, and that from St. Pierre considerably reduced.

I think it must be allowed to have failed, notwithstanding the reduced exports from St. Pierre, and this with seasons especially favourable to the Newfoundland Legislature, for the scarcity of bait in 1889 and the lateness of the herring in St. George's Bay in 1890 were both of very decided advantage.

But in dealing with the question, the great object of the Act must be kept in view, which was to enhance the value of the fish, especially of the Labrador cure, with which the French fish were said to principally compete. It is when looked at from this point that it has failed utterly. The price at present is lower, especially for the Labrador fish, than it has been for some time; the price in 1886, before the Bill was sanctioned, and at the time when the competition was felt the most, was 15 shillings currency, equal to \$3; in 1889 it had fallen to 14 shillings currency, equal to \$2·80; and this year it is only worth 13 shillings or \$2·60, and this after the Act has been in force three years and is claimed by the self-constituted delegates to have been successfully administered.

The real causes for the depression must be looked for elsewhere, the French bounties being by no means the only reason.

The following are, I think, in a principal degree responsible :—

- 1st. The Norwegian fishery, which is improving.
- 2nd. The unsound state of the relations between the fishermen and merchants.
- 3rd. The jealousy of the merchants themselves.

I have, &c.
(Signed) B. W. WALKER,
Captain.

Vice-Admiral George W. Watson,
Commander-in-Chief.

(No. 1.)
NEWFOUNDLAND.
CATCH OF COD FISH.

Locality.				1887.	1888.	1889.
Bank	-	-	-	213,840	226,954	236,821
Shore	-	-	-	699,305	726,583	652,753
*Labrador	-	-	-	166,879	222,183	186,933
Total	-	-	-	1,080,024	1,175,720	1,076,507

* This is the export only, and does not include the home consumption.

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AVERAGE LOCAL PRICE.

Year.	Custom House Authorities.			Credit on Men's Accounts.		
	Bank.	Shore.	Labrador.	Bank.	Shore.	Labrador.
1887 - -	4·10	4·10	3·20	4·10	4·10	3·0
1888 - -	4·40	4·40	3·40	4·40	4·40	3·40
1889 - -	4·40	4·40	3·40	4·20	4·20	2·80
1890 - -	4·0	4·0	2·60	4·0	4·0	2·60

B. W. WALKER,
Captain.

(No. 2.)

BANK FISHERY.

NUMBER OF MEN employed and CATCH of VESSELS belonging to NEWFOUNDLAND.

Year.	No. of Vessels.	No. of Men.	Quantity.	Average per Man.	Price per Quintal.
1887 - - -	270	3,510	213,840 Quintals	60	\$4·10
1888 - - -	301	3,913	216,954 "	57	\$4·40
1889 - - -	330	4,401	236,821 "	52	\$4·20
1890 - - -	—	—	180,000 " esti- mated only.	42	\$4·00

FRENCH.

NUMBER OF MEN employed on the BANKS and from ST. PIERRE (excluding the Shore Fishery of Newfoundland), and EXPORTS from ST. PIERRE.

Year.	No. of Vessels.	No. of Men.	Quantity exported from St. Pierre.	Average.	Number of Vessels that baited at		Remarks.
					St. George's Bay.	East Coast.	
1887 -	687	6,360	754,770	118	—	2	Bait scarce on both coasts, especially at St. Pierre. *This is only up to the end of August.
1888 -	824	8,144	594,530	73	132	78	
1889 -	784	8,724	496,223	57	71	146	
1890 -	—	—	(307,240*)	—	16	25	

B. W. WALKER,
Captain.

(No. 3.)

BOTH COASTS.*

FRENCH.

Particulars.	1887.	1888.	1889.	1890.
Total number of men - - -	793	805	757	774
" " vessels - - -	12	12	13	14
" " lobster factories - - -	4	5	6	6
Men employed in " " - - -	80	136	130	162
Quantity of cod fish - - -	—	22,600 qtls.	16,690 qtls.	17,410 qtls.
" " lobster - - -	116,640 lbs.	132,000 lbs.	188,832 lbs.	168,480 lbs.
Number of vessels visited East Coast for bait.	2	78	146	25

B. W. WALKER,
Captain.

(No. 4.)

EAST COAST.

NUMBER of OCCUPIED FRENCH ROOMS and MEN EMPLOYED.

Locality.	1885.		1886.		1887.		1888.		1889.		1890.	
	Room.	Men.	Room.	Men.	Room.	Men.	Room.	Men.	Room.	Men.	Room.	Men.
La Scie - - -	1	77	1	77	1	60	—	—	—	—	—	—
Degrat de Cheval - - -	1	56	1	56	—	—	1	30	—	—	—	—
Canaries Harbour - - -	1	72	1	72	1	35	—	—	1	33	—	—
Rouge - - -	7	420	6	290	2	80	2	72	2	64	2*	60*
Croc - - -	2	110	1	56	1	43	1	33	1	33	—	—
St. Julien - - -	1	100	1	100	1	80	1	60	1	38	1	38
Petits Islets - - -	1	43	1	43	1	33	—	—	—	—	—	—
Fischot - - -	2	57	1	57	1	57	1	40	1	40	1	40
Three Mountain Harbour -	1	43	—	—	—	—	—	—	—	—	—	—
Cremailliere - - -	1	43	—	—	—	—	—	—	—	—	—	—
St. Anthony - - -	2	90	—	—	—	—	—	—	—	—	—	—
Kirpon - - -	1	56	1	56	—	—	—	—	—	—	—	—
Mauve Bay - - -	2	60	1	44	—	—	—	—	—	—	—	—
Cape Onion - - -	1	30	—	—	—	—	—	—	—	—	—	—
White Bay (lobster factory)	—	—	—	—	—	—	1	60	—	—	—	—
Total - - -	24	1,257	15	851	8	388	7	295	6	208	4	138

* 1 Room closed on 25th July. Vessel with crew, 30 men, went on banks.

B. W. WALKER,
Captain.

(No. 5.)

WEST COAST.

NUMBER of MEN employed, including LOBSTER FACTORIES.

Locality.	1885.	1886.	1887.	1888.	1889.	1890.	Remarks.
Red Island - - -	110	125	—	60	110	116	
Port-aux-Choix - - -	300 <i>12</i>	210 <i>67</i>	300 <i>12</i>	340 <i>12</i>	291 <i>12</i>	315 <i>12</i>	
St. John's Island* - - -	64 <i>6</i>	30 <i>8</i>	110 <i>68</i>	110 <i>68</i>	73 <i>43</i>	98 <i>64</i>	
Bartlett's Harbour* - - -	—	—	—	—	27 <i>27</i>	23 <i>23</i>	
Brig Bay* - - -	—	<i>•</i>	—	—	48 <i>48</i>	82 <i>61</i>	
Clam Bank Cove* - - -	—	—	—	—	—	2 <i>2</i>	
Total number employed -	474	365	410	510	549	636	

* Lobster principal or only industry, cod fishery auxiliary.
Figures in italics denote the numbers employed in factories.

(Signed) B. W. WALKER,
Captain.

(No. 6.)

PARTICULARS AS TO DISTRIBUTION OF GOVERNMENT RELIEF.

Date.	Amount given.	Name	Remarks.
25th January	Flour. 1 barrel	Edward Daulton	Could have cut wood for Shearer's factory at Brig Bay for \$1.50 per cord. Was at the time of receipt of relief getting bows and tills for French factory.
15th March	"	"	
22nd January	2 barrels	William Humber	Received \$30 from Newfoundland Government for running ferry at St. Barbe's. On 18th December received another \$30, which the inhabitants subscribed, for taking a telegram to notify to the Government that they were all starving. Received over \$80 from Chetwynd for lobsters caught during season of 1889.
22nd January	1 barrel	John Bonnelle	Refused work during season of 1889, for which he would have been paid \$23 a month and all found.
28th January	$\frac{1}{2}$ barrel	James Mahr	This man received \$150 for lobsters caught during season of 1889. Sold 15 barrels of herring to a trader for \$37.50.
22nd January	1 barrel	John Page	Worked for Brig Bay factory as watchman, \$24 a month and all found (a wife, no family).
22nd February	1 barrel	Abram Rhumbolt	Fished for Chetwynd the whole season of 1889.
22nd January	1 barrel	George Dempster	Refused \$30 a season to run the ferry at St. Barbe's, which carries, on an average, about six people a day.

Besides these, Joseph Edmund, Herbert Pashan, and Samuel Way received 1 barrel of flour each; they are all strong able-bodied men.
Edward Daulton, after having received 2 barrels of flour, refused work in April unless he was given \$8 to buy another barrel of flour.

(Signed) B. W. WALKER,
Captain.

FORWARDING REPORT ON NORTH EAST COAST OF NEWFOUNDLAND.

H.M.S. "Forward," at St. John's,
October 1890.

SIR,

IN obedience to your orders dated 26th July, I have the honour to forward the enclosed report,

2. As no regular statistics are kept, it was difficult in some places to obtain the number of French bankers for previous years with positive certainty, but the most reliable residents were closely questioned, and the result arrived at I believe to be accurate.

3. Nearly every family has a covered fish stage, and many houses have sheds, out-buildings, &c. attached; these have not been counted, the number given being dwellings only.

4. The nature of the soil was judged by the small kitchen gardens of the place, the quantity of land by report and observation, of course the majority of it requires clearing.

5. If asked, fishermen generally gave the size allowed by law, but examination proved the mesh to be, salmon 4½" to 6", herring 1½" to 2½", caplin ¼" to 1". The excuse then was that merchants sold them for the proper size. In many nets the centre has smaller mesh than the ends.

I have, &c.

Captain Sir Baldwin Walker, Bart.,
Senior Officer,
Newfoundland Division.

(Signed) SCOTT W. A. H. GRAY,
Lieutenant and Commander.

Place.	Date.	No. of French Bankers.				Reason assigned for increase or decrease.	Bait used by French early this season.	Number of				
		1887.	1888.	1889.	1890.			Houses.	Boats.	Inhabitants.	Cod traps.	Other nets.
Cape Norman and Cook's Harbour.	1890. 17.7.90	—	—	—	—	- - - - -	- - - - -	21	40	85	2	28
Ha-ha Bay - - -	12.9.90	—	—	—	—	- - - - -	- - - - -	4	9	23	1	4
Sacred Bay and Onion Cove.	12.9.90	—	—	—	—	- - - - -	- - - - -	4	6	20	—	3
Maria Bay and L'Anse Medee.	15.9.90	—	—	—	—	- - - - -	- - - - -	7	16	50	1	3
Mauve Bay - - -	13.9.90	—	—	3 schooners	—	- - - - -	- - - - -	7	7	34	1	4
Kirpon - - -	11.9.90	—	1 wrecked	—	—	- - - - -	- - - - -	27	41	150	4	38
Fortune - - -	9.9.90	—	—	—	—	- - - - -	- - - - -	8	15	42	—	12
Griguet - - -	9.9.90	—	—	—	—	- - - - -	- - - - -	27	46	172	—	120
St. Tunaire Bay -	10.9.90	—	—	—	—	- - - - -	- - - - -	9	14	65	—	17
Little Brehat - -	9.9.90	—	—	—	—	- - - - -	- - - - -	8	30	58	—	22
Great Brehat - -	9.9.90	—	—	—	—	- - - - -	- - - - -	6	9	38	—	10
French and St. Mien Bays.	20.9.90	—	—	—	—	- - - - -	- - - - -	11	38	92	—	—
St. Anthony - - -	20.9.90	—	—	—	—	- - - - -	- - - - -	22	37	135	—	82
Cremalliere - - -	20.9.90	Nil	5 or 6	14	2	Bait obtained elsewhere.	Sardines and periwinkles.	4	7	20	—	5
Three Mountains -	20.9.90	—	—	—	—	- - - - -	- - - - -	1	3	7	—	3
Goose Cove - - -	20.9.90	—	—	—	—	- - - - -	- - - - -	13	22	83	1	32
Ireland Cove - } Hare Bay.	22.9.90	—	—	—	—	- - - - -	- - - - -	4	6	28	—	36
How Harbour and Ivy Bay. }								9	11	38	—	18
Petites Isettes - -	22.9.90	Nil	3	2	Nil	Not known - - -	Periwinkle - - -	3	3	22	—	2
Fischot - - -	30.9.90	—	—	—	—	Bait obtained elsewhere.	Periwinkle and salt bait from France and St. Pierre.	7	12	42	—	35
St. Julien - - -	30.9.90	—	—	—	—	Do. - - -	- - - - -	10	20	60	—	73
Croc - - -	7.9.90	2	20	5	4	Bait easier obtained elsewhere.	Periwinkle and salt bait from France.	7	8	37	—	18
Rouge - - -	6.9.90	Nil	6	11	6	Bait got elsewhere -	Do. - - -	2	3	13	—	—
Conche - - -	27.9.90	Nil	14	40	4	Do. - - -	Periwinkle and salt bait from St. Pierre.	55	82	232	11	224
Englee - - -	28.6.90	—	—	—	—	- - - - -	- - - - -	35	100	200	7	90
Gouffre - - -	28.6.90	Nil	3	15	Nil	Obtained elsewhere or because caplin were scarce in previous year.	Not known - - -	3	4	19	3	11
Canary Harbour -	27.6.90	Nil	5	17	Nil	- - - - -	Do. - - -	7	13	46	—	20
Little Canada Harbour.	28.6.90	—	—	—	—	- - - - -	- - - - -	3	3	14	—	5
Degrat-de-Cheval -	28.6.90	—	—	—	—	- - - - -	- - - - -	2	4	29	—	8
Hooping Harbour and coast to	5.7.90	—	—	—	—	- - - - -	- - - - -	4	7	21	—	6
Little Orange Bay -	29.7.90	—	—	—	—	- - - - -	- - - - -	3	2	20	—	3
Duggan's Cove - -	29.7.90	—	—	—	—	- - - - -	- - - - -	15	17	50	4	26
Chat Cove - - -	29.7.90	—	—	—	—	- - - - -	- - - - -	9	16	72	3	57
Jacques' Cove - -	29.7.90	—	—	—	—	- - - - -	- - - - -	5	8	25	2	30
Union Cove - - -	29.7.90	—	—	—	—	- - - - -	- - - - -	8	22	57	3	49
Little Coney Arm -	30.7.90	—	—	—	—	- - - - -	- - - - -	5	12	50	—	26
Jackson's Arm - -	30.7.90	—	—	—	—	- - - - -	- - - - -	22	36	65	—	40
Carried forward - - -												

Capability of Land.	Opinion of Inhabitants.						Reasons.						Size of mesh of cod traps.	No. of people asked.	Remarks.	
	Cod traps.		Cod nets.		Bultows.		For			Against						
	For.	Against.	For.	Against.	For.	Against.	Cod traps.	Cod nets.	Bultows.	Cod traps.	Cod nets.	Bultows.				
Soil good and fair quantity.	2	3	—	5	—	5	No injury to fishery. Good way of getting fish. Fish always on the move.	Ditto.	Ditto.	Catches caplin, small fish, and even salmon, 6 to 8 inches long. Turn cod off shore. Also bait and cod follow. Hook and line no use in vicinity of trap, nor place where trap has been even previous year. Spoil chance of salmon nets. Poison ground with dead fish.	Considered worse than cod traps for similar reasons.	Take mother fish. Bait ground. Struggling and dead fish make others shy off. — Not attended from Saturday to Monday and during bad weather, so fish left on hooks and poison the ground. Keep fish off shore.	Smaller mesh in central parts.	2 1/2 to 4	5	—
Soil good and good quantity.	3	—	—	2	—	2								3	Several cattle and sheep.	
Good in patches	—	1	—	—	—	1								1	No knowledge of cod nets.	
Good and fair amount	2	—	2	—	—	2								2	—	
Good and large quantity.	—	2	—	2	—	2								2	—	
Good but no quantity	2	3†	—	5	—	5								5	Several cattle, sheep, and goats. Local agreement against cod nets and bultows. †One owner of cod traps.	
Good and good quantity.	—	4	—	4	—	4								4	Good many sheep.	
Good in patches	—	5	—	5	—	5								5	5-inch mesh considered proper for cod traps.	
Poor and not much	—	3	—	3	—	3								3	Do. Good many sheep.	
Good and not much	4	—	4	—	—	4								4	Local agreement against bultows.	
Good and fair quantity	8	—	8	—	—	4	8	Distress in 1889 relieved by master of a schooner from Labrador who fished in vicinity of G. and L. Brehat with cod traps, and served out half his catch of about 100 quintals to inhabitants.								
Good in patches	10	—	10	—	10	—	10	—								
Good. Fair quantity	—	5	—	5	—	5	5	Good number of sheep.								
Do.	—	2	—	2	—	2	2	—								
Poor and little of it	—	4	4	—	—	4	4	—								
Good and fair quantity	1	2	1	3	1	3	3	—								
Poor and rocky	—	5	—	5	—	5	5	—								
Good and fair quantity	—	3	—	3	3	—	3	Several cattle and sheep.								
Good. Not much of it	—	2	—	2	—	2	2	—								
Do.	—	5	—	5	—	5	5	Some cattle.								
Poor. Small amount	—	3	—	3	—	3	3	Some sheep and goats.								
Good. Fair quantity	—	3	—	3	—	3	3	—								
Do.	—	2	—	2	—	2	2	—								
Do.	3	8†	3	8	1	10	11	†One owner of cod trap. Good number of cattle, sheep, and goats.								
Do.	—	5	—	15	—	15	15	Sheep and goats.								
Do.	—	2	2	—	—	2	2	Cattle and sheep.								
Do.	5	1	6	—	—	6	6	Do.								
Poor. Small quantity	—	3	—	3	—	3	3	—								
Rocky. Do.	6	—	—	6	—	6	6	—								
Good and fair quantity	—	—	—	—	—	—	—	—								
Poor. Heavy to clear	—	—	—	—	—	—	—	—								
Good. Heavily timbered.	—	1	—	1	—	1	1	—								
Soil good. Not much	8	—	8	—	8	—	8	Goats and sheep.								
Do.	3	—	3	—	3	—	3	—								
Rocky	—	7	—	7	—	7	7	—								
Poor. Not much	—	9	—	9	—	9	9	Cattle, sheep, pigs, &c.								
Good, and good quantity.	—	8	—	8	—	8	8	Cattle and sheep.								

Place.	Date.	No. of French Bankers.				Reasons assigned for increase or decrease.	Bait used by French early this season.	Number of								
		1887.	1888.	1889.	1890.			Houses.	Boats.	Inhabitants.	Cod traps.	Other nets.				
	1890.					Brought forward	-	-	-							
Sail Cove - -	30.7.90	—	—	—	—	-	-	-	-	-	6	20	38	—	22	
Sop's Arm and Coast -	30.7.90	—	—	—	—	-	-	-	-	-	8	4	17	—	6	
Wiseman's and Purbeck Coves.	31.7.90	—	—	—	—	-	-	-	-	-	15	17	64	1	44	
Wild Cove, Western Arm.	31.7.90	—	—	—	—	-	-	-	-	-	6	8	18	1	45	
Pond's Cove, Western Arm.	31.7.90	—	—	—	—	-	-	-	-	-	12	22	64	3	45	
Middle Arm - -	31.7.90	—	—	—	—	-	-	-	-	-	7	10	42	1	16	
Southern Arm - -	31.7.90	—	—	—	—	-	-	-	-	-	7	10	30	1	13	
Pumley Cove - -	31.7.90	—	—	1 schooner*	—	-	-	-	-	-	3	4	11	1	6	
Burnt Cove - -	1.8.90	—	—	—	—	-	-	-	-	-	8	12	32	—	10	
Fleur-de-Lis - -	1.8.90	Nil	1	3	Nil	Bait obtained elsewhere.			Not known	-	21	21	87	—	13	
Coachman's Cove -	1.8.90	Nil	1	7 a	Nil	Do.	-	-	-	-	37	60	215	5	45	
Bay Verte - -	2.8.90	—	—	—	—	-	-	-	-	-	16	12	64	—	9	
Mings Bight - -	2.8.90	—	—	7 b	—	Not known	-	-	-	-	15	12	21	—	2	
Paquet - -	4.8.90	Nil	1	Nil	Nil	Do.	-	-	-	-	2	3	10	—	3	
Round Harbeur -	5.8.90	Nil	Nil	2	1	Scarcity of bait	-		Not known	-	9	8	35	3	1	
Brent Cove - -	5.8.90	—	—	—	—	-	-	-	-	-	12	10	90	2	25	
West Country Cove -	5.8.90	—	—	—	—	-	-	-	-	-	1	4	10	1	6	
La Scie - -	8.8.90	—	17	27	8	Periwinkle obtained on banks and salt bait brought from France but thrown away.					11	40	90	5	115	
Observed dotted along the coast at different parts.	{	Magistrate reports bankers only came this year, because of new sailing orders: four men and two dories for each banker, specially to catch periwinkle. Supply sufficient. Considered supply will last for two or three years.				{	-	-	-	-	{	Presumably				15
												14	17	50	—	
												607	1,009	3,202	67†		1,601
Gray Island which has not been included											- 150					
Total											- 3,352					

† Belonging to residents only.

Capability of Land.	Opinion of Inhabitants.						Reasons.						Size of mesh of cod traps.	No. of people asked.	Remarks.
	Cod traps.		Cod nets.		Bultows.		For			Against					
	For.	Against.	For.	Against.	For.	Against.	Cod traps.	Cod nets.	Bultows.	Cod traps.	Cod nets.	Bultows.			
Good. Small quantity	—	6	3	3	3	3	No injury to fishery. Good way of getting fish. Fish always on the move.	Ditto.	Ditto.	Catch caplin, small fish, and even salmon, 6 to 8 inches long. Turn cod off shore. Also bait and cod follow. Hook and line no use in vicinity of trap, nor place where trap has been even previous year. Spoil chance of salmon nets. Poison ground with dead fish.	Considered worse than cod traps for similar reasons.	Take mother fish. Bait ground. Struggling and dead fish make others shy off. — Not attended from Saturday to Monday, and during bad weather, so fish left on hooks and poison the ground. Keep fish off shore.	2½ to 4	9	—
Poor. Rocky and heavy to clear.	—	1	—	1	—	1								1	—
Good. Good quantity, but heavily timbered.	2	1	—	3	—	3								3	Cattle, sheep, &c.
Good. Fair amount -	1	3†	—	4	—	4								4	† One owner of cod trap.
Good. Good quantity	—	1	1	—	1	—								1	—
Do.	—	—	—	—	—	—								—	—
Do.	2	1‡	—	3	—	3								3	‡ Owner of cod trap. A few sheep and goats.
Do.	—	1	—	1	—	1								1	* From Canada Bay. Salted squid, and took it to St. Pierre.
Do.	—	2	—	2	—	2								2	Cattle, sheep, &c.
Rocky. Good in patches.	—	8	—	8	1	7								8	A few sheep and goats.
Good. Fair amount -	2	9	2	9	2	9	11	a See Mings Bight. Good many sheep and goats.							
Very good, and large quantity.	—	2	—	No experience.			2	—							
Do.	—	1	—	1	—	1	1	δ Went on to Coachman's Cove.							
Good. Good quantity	1	4	—	5	—	5	5	Sheep.							
Good. Fair quantity	1	1	1	1	—	2	2	Sheep.							
Do.	3	4	—	7	—	7	7	Sheep.							
Do.	1	—	—	1	—	1	1	—							
Very good, and large quantity.	2	1	—	3	—	3	3	Cattle, good many sheep and goats.							
-	—	—	—	—	—	—	—	—							
	71	157	58	167	33	189						231			

SCOTT W. A. H. GRAY,
Lieutenant and Commander.

CENSUS of the WEST COAST OF NEWFOUNDLAND.

Port or Place.	No. of				French Rooms, and when last occupied.	Size of Mesh of Seine or Net.	Remarks. Cod Traps, Bultows, Nets, &c., and whether injurious to fishing.
	Boats.	Houses.	Inhabit- ants.	Seines.			
Savage Bay -	24	9	64	21	—	—	
Mistaken Cove -	57	28	110	5 cod traps	—	—	
Chambers Island -	13	8	44	66	—	—	
French Island Har- bour -	36	23	119	11 cod traps	—	—	
Flowers Cove -	6	5	28	15	—	—	
Bear Cove -	4	2	17	2 cod traps	—	—	
Deadman's Cove -	10	5	35	44	—	—	
Anchor Point -	8	3	25	6 cod traps	—	—	
St. Barbe's -	38	20	136	2 cod traps	—	—	
Current Island -	3	2	12	—	—	—	Fish with bultows.
St. Genevieve Bay -	4	2	8	5 cod traps	—	—	
Seal Cove -	10	5	22	7	—	—	
Brig Bay -	8	3	25	1 cod trap	—	—	
Old Ferrole -	3	2	12	19	—	—	
Bird Cove -	4	2	8	1 cod trap	—	—	
Dog Island -	5	3	24	3 cod traps	—	—	
New Ferrole -	4	2	8	6	—	—	
Castors River -	10	5	22	3 cod traps	1 Brig Bay 1 Old Fer- role. 7 years -	—	A French lobster factory, employing 82 hands; four buildings.
Bartlett's Harbour -	7	4	33	—	—	—	
St. John's Island -	7	4	33	—	—	—	
Port-au-Choix -	7	13	18	—	—	—	
Barbacé -	5	3	10	1	—	—	
Gargamelle -	—	2	10	—	—	—	
Point Riche -	1	2	4	1	—	—	
Sandy Cove -	7	7	48	13	—	—	
Port Saunders -	4	2	7	4	—	—	
Hawkes Bay -	4	3	8	2	—	—	
Spirity Cove -	7	5	26	1 cod trap	—	—	
River Ponds -	—	2	—	—	—	—	
Battoo -	4	4	37	1	—	6"	English lobster factory.
Belburns -	17	23	74	salmon	—	—	
Daniel's Harbour -	1	5	1	4 cod	—	—	
Portland Creek -	11	7	23	8 herring	—	6"	Cod traps very injurious if small mesh, hook and line fairest way; two men asked.
Parson's Pond -	—	3	6	—	—	—	English factory.
Shallow Bay -	17	18	144	1 herring	—	6"	
Cow Head -	7	6	18	1 capelan	—	—	
St. Paul's -	6	4	20	7 salmon	—	—	
Broom Point, Gull Marsh.	8	5	21	10	—	—	English factory.
Salley Cove -	5	4	6	salmon	—	—	English factory.
Green Point -	2	1	12	5	—	6"	English factory.
Baker's Brook -	11	13	27	7 cod	—	6"	English factory in frame.
Lobster Cove -	47	29	148	4 salmon	—	6"	English factory in frame.
Rocky Harbour -	261	189	1,039	11 cod	—	—	Bultows most objectionable form of fishing; three men asked.
Norris Point -	—	—	—	17 salmon	—	—	
Wild Cove -	—	—	—	35	—	—	
Humber Valley -	—	—	—	—	—	—	
Gad's Harbour -	—	—	—	—	—	—	
Deep Water Cove -	—	—	—	—	—	—	
South Side -	—	—	—	—	—	—	
West Side -	—	—	—	—	—	—	
Bailey's Point -	—	—	—	—	—	—	
Woody Point -	—	—	—	—	—	—	
Crawley's Cove -	—	—	—	—	—	—	
Carried forward	—	—	—	—	—	—	

Port or Place.	No. of				French Rooms, and when last occupied.	Size of Mesh of Seine or Net.	Remarks. Cod Traps, Bultows, Nets, &c. and whether injurious to fishing.
	Boats.	Houses.	Inhabi- tants.	Seinos.			
Brought forward	-	-	-	-	-	-	-
Trout River -	60	28	150	{ 5 salmon	-	6"	Fish with hook and line. English factory.
Chimney Corner to Cape Gregory.	4	3	25	6	-	6"	Three bultows. Two Eng- lish factories.
Crabb Brook -	11	5	26	31	-	-	English factory.
Liverpool Cove -	2	1	6	7	-	-	-
North and Goose Arm	6	4	28	16	-	-	English factories.
Middle Arm -	8	8	50	4	-	6"	English factory.
Rivers Cove -	5	5	34	7	-	-	-
Strickland Beach -	2	2	9	6	-	-	-
Farm -	5	5	28	12	-	-	-
Meadows -	5	14	106	7	-	-	-
Petitpas Creek -	7	5	37	21	-	-	-
Mill Cove to Hughes Brook.	40	23	115	105	-	-	-
Corner Brook -	19	28	184	58	-	-	-
Birchy Cove to Bal- lantine Cove.	22	32	233	{ 91 2 traps	-	{ 6" cod traps 4"	English factories.
Ballantine Cove -	14	11	60	25	-	-	-
Giles Point -	4	4	26	{ 10 1 trap	-	{ 6" trap 4"	-
Half-Way Point -	15	12	63	22	-	-	-
Bennett's Cove -	9	9	30	{ 22 1 trap	-	-	-
Clarke's Brook -	8	7	48	{ 13 1 trap	-	-	-
Frenchman's Cove -	18	14	66	8	-	-	English factory.
Blow Me Down -	6	5	23	2	-	-	-
Broom Bottom -	2	2	11	5	-	-	-
Harbour Island -	12	12	67	19	-	-	-
Lark Harbour -	14	10	77	10	-	6"	English factories.
Little Harbour and Batteau Cove.	3	1	4	-	1887	-	Hook and line fishing. Cod traps not injurious if large mesh. One man asked.
Serpentine River -	5	3	17	-	-	-	English factory.
Three Guts -	9	3	28	9	-	-	-
Brond Cove -	4	8	20	{ 1 caplin	-	-	Two bultows. English factory.
Fox Island and River	11	8	45	4	-	-	English factory.
Long Point, Port-au- Port.	9	6	28	-	1883	-	-
Black Duck Brook -	33	13	86	28	-	-	-
Clambank Cove -	3	2	43	15	Yes, present	-	French lobster factory.
Three Rock Cove -	3	2	12	-	-	-	Hook and line. English factory.
Red Island -	-	-	10	-	Yes, an- nually.	-	-
Mainland -	12	6	29	16	-	-	-
Green Gardens -	4	6	30	4	-	-	-
Marshes Point -	20	15	70	10	-	-	English factory.
Charlie Sheave's Cove	7	3	15	2	-	-	English factory.
Lower Cove -	2	3	18	-	-	-	-
Ship and Abraham's Cove.	8	5	25	-	-	-	English factory.
Campbells and Messer- vey's Cove.	24	17	97	12	-	-	A few cod trawls used. Cod traps injurious to fishing, bultows not. Three men asked.
Gravels -	{ 31 3 schooners 1 steamer	17	90	33	-	-	English factories.
Kippens Brook -	8	5	30	-	-	-	English factory.
Stephensville -	40	46	267	93	-	-	English factory.
Main River and Seal Cove.	46	32	180	63	-	-	English factory.
Seal Rocks -	35	35	160	78	-	-	English factory.
Sandy Point -	100	60	350	270	-	-	English factory.
South Side -	20	34	170	-	-	-	English factories.
Shalop Cove -	19	12	87	85	-	-	-
Bank Head and Flat Bay.	18	21	187	85	-	-	English factory.
Fishel's Brooks -	4	-	30	-	-	-	-
Red and Middle Brooks.	21	25	163	{ 68 22 bultows	-	-	English factories.
Robinson's Head and Bear Cove.	{ 40 12 schooners	40	160	{ 122 20 bultows	-	-	English factories.
Crabb's Brook -	{ 48 2 schooners	32	190	{ 145 32 bultows	-	-	English factory.
Highlands -	27	21	136	{ 57 27 bultows	-	-	English factories.
Codroy to Cape Ray -	163	277	1,459	235	-	-	-
			8,156				

D. McN. RIDDEL,
Commander.

No. 19.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, January 15, 1891.

I HAVE the honour to transmit to you, for communication to your Ministers, extracts from a report* on the working of the Bait Act which has been received from Sir B. Walker.

I am not aware at what stage the inquiry ordered by your Government into this question has arrived, but I think the facts contained in this report are deserving of their serious consideration. It appears that in addition to the initial expenditure involved in providing the machinery required for carrying out the Act, the annual charge amounts to nearly 9,000*l.* while the loss to the Colony of the price formerly paid by the French for bait reaches 20,000*l.* a year. At the same time a very important result of the Act has been to arrest the abandonment of the shore fishery by the French which was proceeding rapidly, and to lead to a great development of their lobster fishery which was altogether insignificant, as subsidiary to their bait and cod fishery on the treaty shore.

The Act has also failed to realise the expectations of its advocates by advancing the price of fish, as, although the French catch has very largely diminished, prices show a steady decline.

In view of the large falling off in the French catch this decline cannot be ascribed to the bounties paid to the French fishermen, but, more probably, is referable either to increased competition from other sources of supply, as suggested by Sir B. Walker, or to a falling off in the demand.

The figures supplied by Sir B. Walker also show the great importance to the Colony of the shore fishery, which yields more than two-thirds of the whole Colonial export. But for the Bait Act, the insignificant share which the French retain of this fishery would probably have been still further reduced, and an arrangement for the termination of the French rights greatly facilitated.

The great interest of the Colony in this branch of the fishing industry appears also to demand the abolition of injurious methods of fishing.

Sir T. O'Brien.

I have, &c.
(Signed) KNUTSFORD.

No. 20.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

23rd January 1891.—I request that you will inform your Ministers confidentially that as, after rejection by France of all their proposals, they decline to concur in arbitration, and refuse to legislate for *modus vivendi* while French rights are being ascertained, Her Majesty's Government feel compelled to maintain the position they have taken up, both as regards commencing negotiations with France for arbitration, and as to deferring the ratification of the draft convention with the United States until its effect on other British interests has been considered. But looking to depressed condition of the Colony, and the importance of opening up its resources, they are now prepared to accept in principle Imperial guarantee of a loan for railway construction, as asked by delegates. They desire further information as to direction, extent, and probable cost of lines, and the probable amount of loan required.

In order to satisfy Imperial Parliament, a previous inquiry by a competent person into the merits of the proposed railway would be necessary, and security afforded perhaps by the creation of an independent commission that the loan will be expended to the best advantage of the Colony.

* Enclosure in No. 18.

No. 21.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

9th February.—Her Majesty's Government, are willing to act on my telegram of the 23rd January,* and, as also pointed out in that message, it will be necessary, in order to justify their action to Parliament, to have a Commission sent out—

1. To inquire into the agricultural, mining, and other resources of the Colony, and the manner in which they may best be developed;

2. To inquire into and report upon the general financial condition of the Colony;

3. To inquire into and report upon the present condition of the population resident on or near the parts of the coast on which the French have rights of fishery, and to ascertain in what particular respects the Treaty obligations of Great Britain and the Colony may have operated to the prejudice of that population; and, further, to report by what remedies consistent with those obligations, and with the rights and interests of other portions of the Empire it may be practicable to remove the disadvantages under which the inhabitants of the Colony labour.

If your Government accepts this Commission, Her Majesty's Government will propose to Parliament the legislation already indicated.

It will be necessary at the same time to satisfy Parliament that proper measures are being taken for adjusting the controversy with France, and that the Colony is co-operating with Her Majesty's Government for that purpose.

No. 22.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

7th March.—I request that you will inform your Government that arbitration on the lobster fishery questions will shortly take place, and that Her Majesty's Government would wish one of the British representatives to be a member of the legal profession from Newfoundland.

Can the Prime Minister come, or would your Ministers approve the appointment of Sir R. Pinsent or of Mr. Justice Little, who is now here on leave, or whom would they propose?

No. 23.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 10, 1891.)

TELEGRAPHIC.

9th March.—My Government desire me, in reply to your Lordship's telegram of the 7th instant,† to reiterate the views already so often expressed by them to Her Majesty's Government: that they can assent to no reference of any one particular point arising under the Fisheries Clauses of the Treaties of Utrecht, Paris, and Versailles, while other questions involved in these clauses and the declarations appended to the Treaty of Versailles are withheld from the reference.

My Government contend that the only arbitration, if such a course be necessary, should be on the whole of the Fisheries Clauses and Declarations, and this view has been repeatedly expressed by the delegates to Her Majesty's Government, and my Government cannot agree to have any legal representative before any such partial arbitration, and they protest against any such restricted reference.

* No. 20.

† No. 22.

They beg to remind Her Majesty's Government that the Colony cannot be bound by the decision of any arbitration to which it has not given its adhesion; and, moreover, they cannot comprehend why Her Majesty's Government should desire such an arbitration after the conclusive opinion expressed by the Marquis of Salisbury and after Comte d'Aubigny's admission that the French had no right to lobster factories on the Treaty shore.

No. 24.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

12th March 1891.—Agreement for arbitration signed yesterday. Further full information will be sent as soon as possible.

No. 25.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, March 12, 1891.

I HAVE the honour to acquaint you that it has been brought to the notice of Her Majesty's Government that since the publication of the temporary arrangement entered into with the Government of France last year with respect to lobster factories on that part of the coast of Newfoundland on which the French have certain rights of fishing, several new lobster factories are being erected or are in contemplation.

2. As you are aware, the French Government have always maintained that such factories, being buildings of a more or less permanent character, come within the definition of "fixed settlements," and that they are entitled to call upon Her Majesty's Government to remove them, under the Declaration attached to the Treaty of Versailles, 1783.

3. Whether this construction is well founded or not is one of the questions which will shortly have to be decided; and in the meantime Her Majesty's Government are undoubtedly bound to prevent British subjects from interrupting the prosecution of the legitimate fishery of the French, and consequently in all Crown grants on that part of the coast a reservation is required of the rights guaranteed to the French by the various treaties and engagements entered into by the Government of Great Britain.

4. These circumstances are well known in Newfoundland, and Her Majesty's Government cannot admit that they are under any legal liability to pay compensation to the owners of factories which, in pursuance of engagements with the Government of France, they may be called upon to close as interfering with the rights guaranteed to French subjects. Prior, however, to March last, when the temporary arrangement with France was published, there had been, in spite of the frequent complaints of the French Government, practically but little interference with the working of the numerous factories erected and worked by British subjects; and, encouraged by this immunity, many new factories were constructed in 1889 and the earlier part of 1890, the operations of some of which were interfered with under that arrangement, although a large number were allowed to pursue the fishery.

5. The question of the legal right of Her Majesty's Government to give effect to that arrangement is now before the courts, but some time must necessarily elapse before a final decision can be given.

Her Majesty's Government therefore, in view of the circumstances mentioned above, though they cannot admit any legal claim to compensation on the part of persons whose factories had to be closed, or who had expended money and entered into contracts, subsequently to the 1st of July 1889, and before the publication of the *modus vivendi*, which that arrangement prevented them from executing, think it desirable that you should appoint a Commission to inquire into all such cases, with the exception of those which form the subject of the legal proceedings referred to, and report for the consideration of Her Majesty's Government what was the actual loss (if any) sustained in each case through the enforcement of the provisions of the *modus vivendi*.

While, however, they are willing to examine into the cases mentioned, it being possible that in some instances persons proposing to erect factories may not have had sufficient notice that such factories were liable to be closed, no such consideration occurs in the case of persons who have erected factories since the 12th of March 1890, and I request that you will give public notice that all persons erecting or having erected lobster factories since that date, will do so, and have done so, at their own risk, and that Her Majesty's Government will not entertain any claims for compensation in respect of such factories if it should be found necessary to close them pending a permanent settlement of the fishery question.

I have the less hesitation in desiring you to issue this notice, as from the reports which I have received on the lobster industry, it seems clear that the fishery is being exhausted by over fishing, and there is reason to think that factories are being unduly multiplied on the coast.

Sir Terence O'Brien.

I have, &c.
(Signed) KNUTSFORD.

No. 26.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

16th March 1891.—I have received your telegram of 9th March.* Regret that your Ministers raise objection to arbitration on lobster questions. It has been explained to them that arbitration is proper course where two friendly Powers, parties to treaties, differ as to their true interpretation on any point.

Following is text of Agreement for arbitration as signed 11th March :—

Agreement begins : The Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions :—

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government or by their Delegates concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

3. The *modus vivendi* of 1890, relative to the catching and preparation of lobsters, is renewed purely and simply for the fishery season of 1891.

4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission it may take cognizance of other subsidiary questions relative to the fisheries on the above-mentioned portion of the coasts of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

5. The Commission of Arbitration shall be composed (1) of three specialists or jurisconsults designated by common consent by the two Governments; (2) of two Delegates of each country, who shall be the authorised channels of communication between the two Governments and the other Arbitrators.

6. The Commission of Arbitration thus formed of seven members shall decide by majority of votes and without appeal.

7. It shall meet as soon as possible. *Agreement ends.*

By a separate note it is provided that the three neutral arbitrators shall be M. de Martens, Professor of International Law at the University of St. Petersburg; M. Rivier, Consul-General of Switzerland at Brussels, President of the Institute of International Law; M. Gram, formerly member of the Supreme Court of Norway; and that, except in the case provided for by Article 4 of the Agreement, the Arbitrators shall exclude from their discussions all questions which do not relate to the catching and preparation of lobsters. We believe that one of the French Arbitrators will be selected

* No. 23.

to represent the French fishermen, and our desire is that of the British members one should be an eminent English jurist, and the other should more specially represent the Colony with full local knowledge. Am I to understand that your Ministers still decline to give assistance to place British Case strongly before Tribunal? Communicate this to your Ministers.

No. 27.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received March 18, 1891.)

TELEGRAPHIC.

Baird v. Walker. Judgment in favour of plaintiff on points of law on ground that as between Sovereign and subject there can be no such act of State as would justify trespass complained of.

No. 28.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received March 18, 1891.)

TELEGRAPHIC.

Colonial Government decides to enforce Bait Act this year. No licenses will be granted to Canadian or French, but issued free to United States of America.

No. 29.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received 5.10 p.m., March 20, 1891.)

TELEGRAPHIC.

20th March.—Houses of Legislature last night unanimously resolved to send telegram to Speaker of House of Commons and Lord Chancellor, and to several Members of Parliament, requesting that both Houses of Parliament will delay consideration of Act for legalisation of naval authority on treaty shore.

No. 30.

THE PRESIDENT OF THE LEGISLATIVE COUNCIL AND SPEAKER OF
THE HOUSE OF ASSEMBLY OF NEWFOUNDLAND to the SPEAKER
OF THE HOUSE OF COMMONS.

(Received March 20, 1891.)

TELEGRAPHIC.

We are directed to transmit to you the following resolutions unanimously adopted by both branches of the Legislature of this Colony:—

“Resolved,—That the Newfoundland Legislature have had under consideration the despatches from Her Majesty's Government relative to the French Treaties question, and especially the despatches in which it is intimated that Imperial coercive legislation relative to this Colony would be introduced.

37

“ Resolved,—That the Legislature humbly and earnestly pray that the House of Commons will be graciously pleased to take the necessary steps to delay the legislation referred to, so as to enable the Legislature of this Colony to present their views before the British House of Commons, which they will do at the earliest possible moment.”

EDWARD D. SHEA,
President of the Legislative Council.
GEORGE H. EMERSON,
Speaker of the House of Assembly of
Newfoundland.

No. 31.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

20th March 1891.—Speaker has received telegram* from President and Speaker of House of Assembly conveying Resolutions of Legislature.

No 32.

THE PRESIDENT OF THE LEGISLATIVE COUNCIL AND THE SPEAKER
OF THE HOUSE OF ASSEMBLY, NEWFOUNDLAND, to LORD
KNUTSFORD.

(Received March 20, 1891.)

TELEGRAPHIC.

WE are directed by this Legislature to respectfully acquaint you that it has been unanimously resolved by both branches of this Legislature that a delegation be appointed to proceed forthwith to lay before the Imperial Parliament the reasons of this Colony for opposing the proposed legislation now before Parliament in reference to the French Treaty question, and that such delegation will proceed to England immediately for that purpose, and to respectfully request that all further proceedings on the proposed legislation be delayed until the delegation can be heard.

EDWARD D. SHEA,
President, Legislative Council.
GEORGE H. EMERSON,
Speaker, House of Assembly,
Newfoundland.

No. 33.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received 3.45 p.m., March 21, 1891.)

TELEGRAPHIC.

Following is text of Resolutions passed by Houses of Legislature last night :—

Resolved,—That a delegation to be selected from members of the Legislature be appointed by the Legislature to proceed forthwith to lay before the British Parliament and people the reasons of this Colony for opposing the proposed legislation with reference to the French Treaties question, and that, in the meanwhile, the Committee proceed to consider the propositions which the delegation shall be empowered to make for the settlement of the whole question.

Resolved,—That the delegation proceed to England immediately for the above purpose.
Ending of Resolutions.

These resolutions have been forwarded to Lord Chancellor and Speaker of House of Commons.

* No. 30.

No. 34.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

21st March 1891. Inform President of Legislative Council and Speaker of Assembly their telegram of yesterday* received. Telegraph when delegates will leave.

No. 35.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

21st March. Inform President and Speaker, in reply to their telegram,† Bill will not come on in House of Lords for second reading before 16th April. Ample time, therefore, before that date for such further communications as may be desired, but in absence of effective colonial legislation for securing observance of treaties and temporary arrangements with France Her Majesty's Government must proceed with Bill.

No. 36.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

23rd March, 5.30 p.m.—The Secretary of State for Foreign Affairs duly received telegram of 20th,‡ conveying Resolutions. Following answer was given to-day to questions in House of Commons. *Begins:* The Secretary of State telegraphed on Saturday to the Governor of Newfoundland requesting him to inform the President of the Legislative Council and the Speaker of the House of Assembly that the Bill to give effect to the *modus vivendi* would not be proceeded with in the House of Lords until the 16th April, allowing ample time for such further communications from the Parliament of Newfoundland as they might think it right to make; but it would be necessary, if the Colony failed to make legislative provision for the observance of existing Treaties and the temporary arrangements with France, for Her Majesty's Government to proceed with the Bill. *Ends.*

There will be provision in Imperial Bill suspending its operation if and when the Newfoundland Legislature passes Law sufficiently providing for carrying out fishery engagements as required by Her Majesty's Government.

No. 37.

The REV. M. F. HOWLEY and MESSRS. BISHOP and McFATRIDGE to
COLONIAL OFFICE.

(Received March 23, 1891.)

TELEGRAPHIC.

People this shore will loyally accept decision French rights; earnestly request Government not withdraw Act; only ask guarantee, mining, other land industries.

HOWLEY, Pref. Ap.

BISHOP, J. P.

McFATRIDGE, Merchant.

* No. 32

† No. 32.

‡ No. 33.

39

No. 38.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 24, 1891.)

TELEGRAPHIC.

I AM requested by my Government to forward following Minute of Executive Council. My ministers are more than surprised that after their equitable proposal to submit to arbitration the treaties, Declarations, and all questions arising thereunder, Her Majesty's Government should, without replying to this proposition, have actually signed an Agreement submitting not merely the lobster question, but subsidiary questions relative to the fisheries on the Treaty coast, without even forwarding a copy of such Agreement for their consideration. My Government deeply regret that they are compelled by the action of Her Majesty's Government to adopt the only course which seems open to them, viz., that of declining to take part in, or to be bound by, an Agreement to which they are not parties, and of relying upon the indefeasible position which was secured to the Colony by Labouchere's despatch that the rights of the Colony shall not be modified or affected without its consent, and of accordingly resisting the Agreement and all action thereunder. It is a matter of deep regret that the Colony is driven to this conclusion.

No. 39.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

March 25, 1891, 4.30 p.m.—I trust no action will be taken as mentioned in your telegram of 18th March* until after delegates arrived here.

No. 40.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 25, 1891.)

TELEGRAPHIC.

Referring to your telegram of 23rd March,† Colonial Government request that you will send by telegraph text of provisions of Bill.

No. 41.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received March 26, 1891.)

TELEGRAPHIC.

Referring to your telegram of to-day,‡ Colonial Government send reply as follows:—

“Bait Act is already being enforced, and must be rigidly executed, more especially from middle of this month till June, to be of any avail. All arrangements made and are now in operation for total prohibition to fishing-boats of France and Dominion of Canada.”

No. 42.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

26th March 1891. Referring to your telegram of 25th March,§ Bill revives sections 12 and 13 of 5 George IV., chapter 51, and empowers Queen, by Order of Privy Council, to suspend its operation if Newfoundland Legislature passes Law making sufficient provision for carrying out, under Queen's instructions, fishery engagements with France, including any temporary arrangements made either before or after passing of Act for adjusting differences. Copy of Bill will be sent as soon as it is circulated here.

* No. 28.

† No. 36.

‡ No. 39.

§ No. 40.

40

No. 43.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received 8.12 p.m., 31st March 1891.)

TELEGRAPHIC.

Delegation from Houses of Legislature, consisting of Harvey and Monroe, Members of Legislative Council, Whiteway, Emerson, Speaker of House of Assembly, and Morine, Leader of the Opposition in House of Assembly, will leave here by mail steamer direct for England on 6th April.

No. 44.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

SIR,

Downing Street, March 31, 1891.

I HAVE the honour to transmit, for your information, a copy of a telegram* which I have received from the Rev. Dr. Howley, Mr. McFatridge, and Mr. Bishop urging Her Majesty's Government not to withdraw the Bill empowering Her Majesty to carry out the treaty engagements with France.

I request that you will cause these gentlemen to be informed that I have received their message.

Sir T. O'Brien.

I have, &c.,
(Signed) KNUTSFORD.

No. 45.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

3rd April 3.35 p.m.—I have received your telegram of the 24th ultimo,† and regret the decision of your Ministers.

Her Majesty's Government will now proceed to choose the British delegates.

I am unable to concur in the statements of your Ministers in your telegram under reply. The position of Her Majesty's Government is fully stated in the letter from the Foreign Office of the 16th January.‡

No. 46.

The REV. M. F. HOWLEY to LORD KNUTSFORD.
(Received April 10, 1891.)

TELEGRAPHIC.

10th April.—Beg no agreement with delegates till our views heard. Full statement posted.

* No. 37.

† No. 38.

‡ No. 42 in [C. 6256].

NEWFOUNDLAND.

CORRESPONDENCE

WITH THE

NEWFOUNDLAND DELEGATES

RESPECTING THE

PROPOSED IMPERIAL LEGISLATION

FOR CARRYING OUT THE

TREATIES WITH FRANCE.

Presented to both Houses of Parliament by Command of Her Majesty.
May 1891.



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1891.

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NEWFOUNDLAND.

CORRESPONDENCE

WITH THE

NEWFOUNDLAND DELEGATES

RESPECTING THE

PROPOSED IMPERIAL LEGISLATION FOR CARRYING OUT THE TREATIES WITH FRANCE.

No. 1.

SIR W. V. WHITEWAY to COLONIAL OFFICE.

MY LORD,

Hotel Métropole, London, April 21, 1891.

I BEG leave to enclose, for your Lordship's information, a copy of minutes of the proceedings of the Legislature of Newfoundland relative to the mission of the delegates.

I am, &c.,

The Right Hon. Lord Knutsford.

(Signed) W. V. WHITEWAY.

Enclosure in No. 1.

Re Newfoundland Delegation.

EXTRACTS FROM JOURNAL OF HOUSE OF ASSEMBLY OF NEWFOUNDLAND, 1891.

Thursday, March 19, 1891.

..... The Hon. the Premier presented to the House the report of the joint committee appointed to consider the despatches lately laid on the table, relating to the French treaties question, which report is as follows:—

“The joint committee appointed to consider the despatches from Her Majesty's Government which were yesterday laid upon the tables of both branches of the Legislature report that they have considered the said despatches and recommended the following resolutions for the adoption of the Legislature:—

“*Resolved*,—That the Newfoundland Legislature have had under consideration the despatches from Her Majesty's Government relative to the French treaties question, and especially the despatches in which it is intimated that Imperial coercive legislation relative to this Colony would be introduced.

Resolved,—That the Legislature humbly and earnestly pray that the House of Lords will be graciously pleased to take the necessary steps to delay the legislation referred to, so as to enable the Legislature of this Colony to present their views before the British House of Commons, which they will do at the earliest possible moment.”

Lords

And he moved, seconded by Mr. Morine, that the said report be received and that the said resolution be adopted.

And with the unanimous assent of the House, it was ordered accordingly.

Friday, March 20, 1891.

The Hon. the Premier presented to the House the following resolutions as the present report of the joint committee which was yesterday appointed to consider the despatches lately laid on the table in reference to the French treaties question :—

*“Resolved,—*That a delegation, to be selected from members of the Legislature, be appointed by the Legislature to proceed forthwith to lay before the British Parliament and people the reasons of this Colony for opposing the proposed legislation in reference to the French treaties question, and that in the meanwhile the committee proceed to consider the propositions which the delegation shall be empowered to make for the settlement of the whole question.

*“Resolved,—*That the delegation proceed to England immediately for the above purpose.”

It was moved by the Hon. the Premier, seconded by Mr. Morine, that the said resolutions be referred to the committee of the whole of this House which stands first on the order of this day; and it was ordered accordingly.

Pursuant to order of the day the House then resolved itself into committee of the whole to consider the despatches lately laid on the table in reference to the French treaties question and the report of the joint committee thereon.

Mr. Speaker left the chair.

Mr. Whiteley took the chair of the committee.

Mr. Speaker resumed the chair.

And, the house having sat until twelve of the clock midnight of this twentieth day of March,

Saturday, March 21, 1891.

The Chairman from the said committee reported that they had considered the matter to them referred and had unanimously adopted the resolutions contained in the report of the said joint committee, and asked leave to sit again.

Ordered, that the said report be received, and, with the unanimous assent of the House, it was ordered that the said resolutions be adopted, that the said committee have leave to sit again to-day, and that the same stand first on the order of the day.

It was moved by the Hon. the Premier, seconded by Mr. Morine, that the said resolutions be forthwith forwarded by telegram to the Right Hon. the Secretary of State for the Colonies, to the Lord Chancellor, and to the Right Hon. the Speaker of the House of Commons.

Ordered accordingly.

Tuesday, March 24, 1891.

. The Hon. the Premier laid on the table of the House a report from joint committee on the subject of the despatches lately received relative to French treaty rights, which report is as follows :—

“The select committee appointed by the House of Assembly to confer with the select committee appointed by the Hon. Legislative Council upon the matters contained in the despatches laid upon the table by command of his Excellency the Governor, relating to French treaty rights, beg to report the following resolutions :—

“*Resolved,—*That five persons, two from the Council and three from the Assembly, be appointed a delegation, and that the Government and Opposition parties in the Council be permitted to name a representative each, the Government party in the House of Assembly two representatives, and the Opposition party one representative.

“*Resolved,—*That when a majority of the delegates agree to any basis of arrangement and settlement, the delegation shall recommend it to the Legislature, and that each member of the delegation shall be bound by the decision of a majority of the delegation and pledged to use his best efforts to procure adoption afterwards by the Legislature of any arrangement made by the delegation—all of which is respectfully submitted.

“(Signed) A. W. HARVEY,
Chairman.

“Committee Room, March 23, 1891.”

And he moved that the same be read and referred to the Committee of the whole on French treaty questions.

Ordered accordingly.

Pursuant to order of the day the House then resolved itself into committee of the whole to consider despatches relating to the French treaties question.

Mr. Speaker left the chair.

Mr. Whiteley took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman from the said committee reported that they had considered the matter to them referred and had passed the two resolutions this day reported from the joint committee on the French treaties question, without amendment.

Ordered that the said report be received and adopted.

Thursday, March 26, 1891.

The Hon. the Premier having informed the House that the Government party named Mr. Speaker and himself to proceed to England in connection with the French treaties question, and Mr. Munn having informed the House that the Opposition party named Mr. Morine for the said purpose, Mr. Speaker nominated the said representatives as the delegation from this House pursuant to resolutions adopted on the twenty-fourth instant.

Ordered that a message be sent to the Legislative Council acquainting them with the said nomination.

Tuesday, March 31, 1891.

. A message was received from the Legislative Council acquainting this House, in reply to message of this House of the twenty-fifth instant, that, in accordance with the resolutions reported from the joint select committee appointed by the Legislature to consider the matters relating to French Treaty rights, they have appointed the Hon. Mr. Harvey and the Hon. Mr. Monroe to be a delegation from the Legislative Council to co-operate with the members appointed by the House of Assembly in accordance with the terms of the resolutions.

Wednesday, April 1, 1891.

. The Hon. the Premier moved that the House do now resolve itself into committee of the whole to consider an address to his Excellency the Governor in reference to the French treaties question; and it was seconded by the Hon. Mr. Morris and was ordered accordingly.

Then the House resolved itself into committee of the whole thereon.

Mr. Speaker left the chair.

Mr. Whiteley took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman from the said committee reported that they had passed an address as follows:—

“To his Excellency Sir J. Terence N. O’Brien, Lieut.-Colonel, Knight Commander of the most distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief in and over the Island of Newfoundland and its dependencies.

“May it please your Excellency,

“The Legislative Council and House of Assembly beg to acquaint your Excellency that they have appointed a delegation consisting of the Hon. Mr. Harvey, the Hon. Mr. Monroe, the Hon. the Premier, his Honour the Speaker of the Assembly, and Mr. Morine (one of the members for Bonavista), to proceed immediately to England to lay before the British Parliament and people the reasons of this Colony for opposing the proposed legislation now before the Imperial Parliament in reference to the French treaties question, and respectfully request that your Excellency will be pleased to appropriate and pay out of the general revenue of this Colony such sums as may be necessary towards the expenses of the said delegation, and the Council and Assembly will make due provision for the same.”

Ordered, that the said report be received and adopted, and that the said address do pass and be sent to the Legislative Council with a message requesting their concurrence.

Friday, April 3, 1891.

. The Hon. the Premier presented to the House report of the joint committee appointed to consider the question of French treaty rights, which is as follows:—

To the Honourable the COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND
in Parliament assembled.

We the Legislative Council and House of Assembly in Session convened beg leave to approach your Honourable House to appeal to you for protection and support under circumstances which have filled the minds of all classes in this country with profound anxiety and dismay.

Your Honourable House is aware that the old time difficulties consequent upon the treaties between Great Britain and France on the subject of the Newfoundland Fisheries have of late years assumed even unaccustomed gravity, producing painful and ceaseless agitation among our people. Two delegations proceeded from here during last session to represent to Her Majesty's Government the exorbitant growth of the claims of the French under alleged sanction of treaties and the further injustice wrought to the community of Newfoundland. Their efforts for redress have been so far unsuccessful, and we are now confronted with a new evil essentially more intolerable than those with which experience has made us but too familiar.

We refer to the proposal of Her Majesty's Government, by a Bill now before Parliament to re-enact the Act of Geo. 4, cap. 51, For the better conduct of the treaties between Great Britain and France, respecting the Newfoundland Fisheries, which Act was repealed in 1871.

This Act embodied provisions of an oppressive and arbitrary character, wholly repugnant to those principles of liberty and justice which are held to be the basis of modern British legislation. They conferred upon the officers of Her Majesty's ships engaged in the Fisheries protective service who were entrusted with the settlement of Treaty disputes, powers of summary adjudication independent of all the restrictions and safeguards which British law has devised for the defence of the inherent rights of British subjects. These powers extended to most severe penal inflictions and were beyond all appeal. And when it is remembered that they were exercised by persons unacquainted with legal procedure and whose peculiar training and habits of thought and action dictated unquestioning submission to their decrees, it must be manifest that excessive hardships and injustice were the frequent and inevitable results.

It may be alleged that while yet the Act of Parliament in question was on the Statute Book it had been allowed to lapse into comparative desuetude, so incompatible with modern civilisation would have been the application of this barbarous law. But unhappily the record of the years 1887, 1888, and 1889, gives instances of its enforcement under assumed authority with disastrous consequences to the property and industry of some of Her Majesty's subjects engaged in the fisheries of Newfoundland.

We submit that this law could not now possibly be rendered applicable to the circumstances which it is designed to meet. All social and general conditions in Newfoundland, and particularly on those parts of the coasts affected by the treaties, have undergone a radical and complete change in the many years that have elapsed since the law under consideration was enacted. There was then no resident population in these localities. Population has long since settled there in considerable numbers, and trade and various sources of employment have become developed and yield their contributions to our Customs Revenue. Several years ago Her Majesty's Government confirmed the occupation of the coast by acceding to the desire of residents for representation in the House of Assembly and for the appointment of magistrates and police. They are periodically visited by the Supreme Court on circuit; they have regular communication with the rest of the country, and with Canada by mail and passenger steamers; in a word all the ordinary institutions of civil life to the extent to which the means of the Colony enable it to provide them. The permanence of their position being thus conclusively assured and recognised, it can hardly be necessary to point out with what cruel severity, with what destructive effect the proposed law would operate upon the trade, the industries, and every other appreciable interest of this section of our people. It must be clear beyond reach of doubt that to recall this instrument of coercion in their case would be to outrage the feelings and the rights of the law-abiding and loyal inhabitants of this whole dependency of the British Crown.

We would therefore most earnestly implore your Honourable House, by all your honoured and revered traditions, to desist from inflicting upon the people of this country the calamity of such an enactment as that which is now in contemplation.

We would remind your Honourable House that Her Majesty's Government and that of France have lately agreed upon arbitration respecting the Newfoundland fisheries; this tribunal, however, proposing to deal with one question only, and this the recent question of the Lobster Fishery. This partial proceeding has been decided not only without reference to the Newfoundland Government, but against their emphatic protest. We, too, on the part of the Colony beg to present an equally emphatic protest against a course adopted in direct violation of the principles of that constitutional form of Government which it is now our privilege to possess.

We would in conclusion respectfully invoke the aid of your Honourable House for the protection of the Treaty Rights of Newfoundland against the demands of the French for an exclusive fishery including lobster fishing on those portions of coast where they hold acknowledged privileges. The rights of British subjects have been on several occasions declared and the pretensions of the French disallowed by some of the ablest of the statesmen of Britain notably

by Lord Palmerston, and only last year by the Marquis of Salisbury. We feel that your Honourable House will recognise the justice of our prayer that the definitions of these high authorities shall not continue to be mere theoretic pronouncements which France is permitted to contravene, but shall be carried out in their true significance and to their full practical effect.

We beg to inform your Honourable House that we have appointed the Honourables Sir William Vallance Whiteway, K.C.M.G., Augustus W. Harvey, M.L.C., Moses Monroe, M.L.C., his Honour the Speaker of the House of Assembly (George H. Emerson, Esq.), and Mr. Alfred B. Morine, M.H.A., as a delegation to present this remonstrance; and we pray that they may be heard at the bar of your Honourable House.

And he moved that the House do now resolve itself into committee of the whole thereon, and it was ordered accordingly.

Mr. Speaker left the chair.

Mr. Whiteley took the chair of the committee.

Mr. Speaker resumed the chair.

The chairman from the said committee reported that they had considered the matter to them referred, and had adopted the said report, and the petition accompanying the same, without amendment.

And, the House having sat after twelve of the clock midnight of the said third day of April,

Saturday, April 4, 1891.

It was ordered that the said report of the committee of the whole be received and adopted, and that the same do pass and be engrossed and be presented to both branches of the Imperial Parliament.

The following messages were received from the Legislative Council:—

(a.) Acquainting this House in reply to their message of the first of April instant, that the Council concur in the address to his Excellency the Governor requesting that his Excellency will be pleased to appropriate and pay out of the general revenue of this Colony such sums of money as may be necessary towards the expenses of the delegation appointed for the purposes named in the address. Ordered, that the address to his Excellency the Governor, acquainting him of the appointment of a delegation to proceed to England to lay before the British Parliament and people the reasons of this Colony for opposing the proposed legislation in reference to the French treaties question, and requesting him to be pleased to appropriate and pay any sums necessary towards the expenses of the delegation, be presented to his Excellency by such members of this House as are of his Excellency's Executive Council.

I certify that the above-written sixteen pages and this page,* marked with the letter A. to Q. respectively, and by me initialled thus: "G. M. Johnson Clk., H.A.," contain correct extracts from the original journal of the House of Assembly of Newfoundland, which Journal is kept by me.

St. John's, April 6, 1891.

(Signed) GEO. M. JOHNSON,
Clerk of the House of Assembly
of Newfoundland.

No. 2.

SIR W. V. WHITEWAY to COLONIAL OFFICE.

MY LORD,

Hotel Métropole, April 21, 1891.

I BEG leave to enclose a copy of a memorandum in relation to the Newfoundland fishery question, which the delegates this morning had the honour to submit to Lord Salisbury, in accordance with his Lordship's request. As it will probably be impossible for the delegates to give due consideration, before the meeting of the House of Lords on Thursday, to any reply which his Lordship may be pleased to give to our communication, and as it will be very inconvenient, if not wholly impossible, for the delegates to complete the statement which they desire to make in the House of Lords before the second reading of the Bill now before Parliament, the delegates respectfully solicit that the second reading of the Bill may be deferred until some day in next week and as Thursday is Budget day, it may be convenient for the Government to accede to the request of the delegates.

The Right Hon. Lord Knutsford.

I have, &c.,
(Signed) W. V. WHITEWAY.

* Of the original MS.

Enclosure in No. 2.

MEMORANDUM IN RELATION TO THE NEWFOUNDLAND FISHERY QUESTION.

Hotel Métropole, April 21, 1891.

THE delegates would respectfully submit to the consideration of Lord Salisbury the following proposals which they trust will meet with his Lordship's approval :—

FIRST.—(A.) The Newfoundland legislature to pass immediately an Act authorising the execution for this year of the *modus vivendi*, the award of the Arbitration Commission regarding the lobster question, and the treaties and declarations, under instructions from Her Majesty in Council :

(B.) The further progress of the Bill now before Parliament to be deferred until the passing of the above Act and the Bill then to be withdrawn.

(C.) The terms of an Act to empower Courts and provide for regulations to enforce the treaties and declarations to be discussed and arranged with the delegates now in this city, as rapidly as possible, and to be enacted by the legislature of the Colony as soon as agreed upon.

SECOND.—(A.) The present Arbitration agreement not to be allowed to operate further than the lobster question without the prior consent of the Colony, and in this case the Colony to be represented upon the Commission.

(B.) The Colony desires an agreement for an unconditional arbitration on all points that either party can raise under the treaties and declarations, and if this be arranged between Great Britain and France, Newfoundland will ask to be represented upon such arbitration, and pass an Act to carry out the award.

No. 3.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, April 22, 1891.

I AM directed by the Marquis of Salisbury to transmit to you, herewith, to be laid before Lord Knutsford, copy of a letter from the Newfoundland Delegates, submitting certain proposals in relation to the Newfoundland Fishery question, for the consideration of Her Majesty's Government.

I am at the same time to forward the accompanying draft* of the reply which Lord Salisbury proposes, with Lord Knutsford's concurrence, to return to the above-mentioned communication.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) T. H. SANDERSON.

Enclosure 1 in No. 3.

NEWFOUNDLAND DELEGATES to the MARQUIS OF SALISBURY.

MY LORD,

Hotel Métropole, London, April 21, 1891.

WE beg to inclose herewith the proposals† which your Lordship was so kind as to ask us to submit in writing. The Delegates feel that the adoption by Her Majesty's Government of the propositions now made will cause the excitement now prevailing in the Colony to subside, and will secure harmony upon the debatable ground.

We also beg to inclose, for your Lordship's information, copies of the Minutes of Proceedings‡ in the Legislature of Newfoundland in connexion with our mission, from which your Lordship will perceive that we have ample powers to make the propositions now submitted.

May we ask that your Lordship will favour us by expressing the views of Her Majesty's Government upon the proposals now made, in time for our consideration before the day now set down for the second reading of the Bill now before the House of Lords ?

We have, &c.,
(Signed) W. V. WHITEWAY.
A. W. HARVEY.
M. MONROE.
GEORGE H. EMERSON.
A. B. MORINE.

* The letter is printed here as actually sent.

† See Enclosure in No. 2.

‡ See Enclosure in No. 1.

Enclosure 2 in No. 3.

GENTLEMEN,

Foreign Office, April 22, 1891.

I HAVE to acknowledge the receipt of your letter of yesterday's date.

The suggestions contained in it have received our immediate and careful consideration.

We willingly recognise the sincerity of your desire to make proposals which should be acceptable to Her Majesty's Government.

But we feel that at the stage at which the question has arrived, and in view of the international considerations which it involves, it is not possible for us now under any circumstances to withdraw the Bill which has been introduced into Parliament. The Bill is merely facultative in its provisions, and nothing will be more satisfactory to Her Majesty's Government than that timely and adequate legislation by the Colony should render it unnecessary to bring it into effect.

The Newfoundland Delegates.

I have, &c.,
(Signed) T. H. SANDERSON.

No. 4.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 22, 1891.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of this day's date,* and to request that you will inform the Marquis of Salisbury that his Lordship concurs in the terms of the reply which it is proposed to return to the letter from the Newfoundland delegates, dated yesterday, containing a memorandum on the Newfoundland Fishery question.

Lord Knutsford will transmit copies of the correspondence between the delegates and the Foreign Office for the information of the Colonial Government.

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 5.

STATEMENT MADE BY SIR W. V. WHITEWAY IN THE HOUSE OF LORDS
ON 23RD APRIL 1891.

MAY IT PLEASE YOUR LORDSHIPS,

ON behalf of the Legislature of Newfoundland, I beg to express deep gratitude for the great privilege which has been conceded to its delegates by your Lordships in permitting us to appear at the bar of this most noble and august assembly, to express the Legislature's objections to the Bill entitled "An Act to revive certain sections of an Act of the fifth year of the reign of George IV., chap. 51, for the purpose of carrying into effect engagements with France respecting Fisheries in Newfoundland."

I shall express those objections as concisely as possible.

It will not be necessary to tire your Lordships by reading those portions of the treaties and declarations which refer to Newfoundland, with all of which you are already familiar; and I will therefore content myself with saying that the 13th article of the Treaty of Utrecht (1713) was revived by the 5th article of the Treaty of Paris (1763), and that the Treaty of Versailles (1783) again restored the fishery rights of the French to their position under the Treaty of Utrecht. The Treaty of Paris (1814) restored matters to the status they were in in 1792, under the Treaty of Versailles, and in 1815 the third Treaty of Paris confirmed the treaty made in the previous year. Your Lordships' attention is particularly drawn to the 6th article of the Treaty of Paris (1763), to the 4th article of the Treaty of Versailles (1783), and to the declarations which accompanied the latter treaty.

(The articles of the several treaties and the declarations form Appendix A to this paper.)

HISTORY OF LEGISLATION.

A brief history of the legislation in connexion with the treaties and declarations will be found instructive and significant when the arguments which I shall venture to adduce come to be considered.

* No 3.

It is a remarkable fact that for 75 years—from 1713 to 1788—no legislation seems to have taken place with reference to the execution of the Treaties of Utrecht, Paris, or Versailles. The first Act upon the subject was passed in July 1788—five years after the Treaty of Versailles was signed. It first set forth the engagements made by the treaties and declarations accompanying the Treaty of Versailles, and then enacted as follows :—

Section I.

“It shall and may be lawful for His Majesty, His heirs and successors, by advice of Council, from time to time to give such orders and instructions to the Governor of Newfoundland, or to any officer or officers on that station, as he or they shall deem proper and necessary to fulfil the purposes of the definitive treaty and declaration aforesaid; and, if it shall be necessary to that end, to give orders and instructions to the Governor, or other officer or officers as aforesaid, to remove or cause to be removed any stages, flakes, train vats, or other works whatever, for the purpose of carrying on fishery, erected by His Majesty’s subjects on that part of the coast of Newfoundland which lies between Cape St. John passing to the north, and descending by the western coast of the said island to the place called Cape Rage, and also all ships, vessels, and boats belonging to His Majesty’s subjects which shall be found within the limits aforesaid; and also, in case of refusal to depart from within the limits aforesaid, to compel any of His Majesty’s subjects to depart from thence; any law, custom, or usage to the contrary notwithstanding.”

Section II.

“And be it further enacted by the authority aforesaid, That if any person or persons shall refuse, upon requisition made by the Governor, or any officer or officers acting under him, in pursuance of His Majesty’s orders or instructions as aforesaid, to depart from within the limits aforesaid, or otherwise to conform to such requisition and directions as such Governor or other officer as aforesaid shall make or give for the purposes aforesaid, every such person or persons so refusing or otherwise offending against the same, shall forfeit the sum of two hundred pounds, to be recovered in the Court of Session or Court of Vice-Admiralty in the said island of Newfoundland, or by bill, plaint, or information in any of His Majesty’s Courts of Record at Westminster; one moiety of such penalty to belong to His Majesty, His heirs, and successors, and the other moiety to such person or persons as shall sue or prosecute for the same: provided always that every such suit or prosecution, if the same is commenced in Newfoundland, shall be commenced within three months, and if commenced in any of His Majesty’s Courts of Record at Westminster, within twelve months from the time of the commission of such offence.”

War terminated the Treaty of Versailles; and though the Treaty of Paris (1814) restored to France “the colonies, fisheries, and factories of every kind which were possessed by France on the 1st January 1792,” it does not appear to have been considered that this treaty revived the Act above quoted, for in 1824 an Act intituled “An Act to repeal several Laws relating to the Fisheries carried on upon the Banks and Shores of Newfoundland, and to make provision for the better conduct of the Fisheries for five years, and from thence to the end of the then next session of Parliament,” contained two sections—12 and 13—which were almost literally the same as those above quoted; and these two sections it is proposed to re-enact by the Bill now before your Lordships.

An Act was passed in 1829 to continue the Act 5 Geo. IV. chap. 51. last referred to, until the 31st of December 1832; and in 1832 the Act 5 Geo. IV., chap. 51. was further extended until 1834, “and no longer.” In 1832 a legislature was granted to Newfoundland, its first assembling taking place in 1833; and Parliament did not in 1834 further continue in force the law enacted in 1824, leaving to the Legislature of the Colony the task of passing laws and enforcing regulations to carry out the treaties and declarations.

The Legislature of the Colony did not, however, assume this duty, nor does it appear by the records that its attention was ever called to the matter. The fact remains, however, that in 1834 the last Act of Parliament in this connexion expired by virtue of one of its own provisions, and that from that year until the present time no legal authority has existed for the enforcement of Her Majesty’s instructions to naval commanders upon the coast of Newfoundland. It is now proposed to re-enact the provisions of the Act 5 Geo. IV., chap. 51. and to give them an application in a manner never before suggested.

The Act now before your Right Honourable House contains the following clauses :—

“1.—(1.) The enactments set out in the Schedule to this Act shall be revived and have full effect, and the treaty or treaties therein named shall include not only the Newfoundland fishery engagements, *but also any temporary arrangement* made with France either *before* or *after* the passing of this Act for adjusting the differences arising out of those engagements.

‘ (2.) If *any permanent arrangement* is made between the United Kingdom and France with respect to the differences which have arisen upon the Newfoundland fishery engagements, it shall be lawful for Her Majesty, by Order in Council, to direct that *the enactments hereby revived shall apply*, and the same shall apply accordingly as if such permanent arrangement were a treaty mentioned in the said enactments :

“(3.) Provided that before such Order is made, the draft thereof shall have been communicated to the Government of Newfoundland, and lain on the table of both Houses of the Imperial Parliament for not less than one month.

“2.—Where Her Majesty the Queen in Council is satisfied that by any law made before or after the passing of this Act by the Legislature of Newfoundland, sufficient provision is made for carrying into effect, *under Her Majesty’s orders and instructions*, the Newfoundland fishery engagements, or any such arrangement as above in this Act mentioned, it shall be lawful for Her Majesty in Council to suspend the operation of this Act, or any part thereof, so long as such law continues in force, and no longer, and to direct that such law or any part thereof shall have effect with or without modifications and alterations as if it were part of this Act and any Order in Council so made shall have full effect.

“3.—This Act may be cited as ‘The Newfoundland Fisheries Act, 1891.’”

OBJECTIONS.

Having thus briefly stated the provisions of the treaties and declarations and the history of the legislation connected herewith, we humbly beg to solicit your attention to the objections which the Colony entertains to the Bill now proposed.

FIRST.—We object to the passage of the Bill now before your Lordships, because it was introduced into Parliament before the Government, the Legislature, or the people of Newfoundland had an opportunity to accept or oppose it, or to suggest its amendment; which is opposed to the principles of responsible government granted to the Colony, and in direct opposition, as we conceive, to the assurance given to the Colony in 1857, when the Right Honourable the Secretary of State sent the following despatch to the Government of Newfoundland announcing the abandonment of a proposed Convention with France :—

SIR,

Downing Street, March 26, 1857.

When Her Majesty’s Government entered into the Convention with that of France, they did so in the hope of bringing to a satisfactory arrangement the many complicated and difficult questions which have arisen between the two countries on the subject of the Newfoundland fisheries. But they did so with the full intention of adhering to two principles which have guided them, and will continue to guide them—namely, that the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent; and that the constitutional mode of submitting measures for that assent is by laying them before the Colonial Legislature.

“For this reason they pursued the same form of proceeding which had been before pursued in the case of the Reciprocity Convention with the United States, and which was in that case adopted and acted upon by the Newfoundland Legislature. It was in perfect uniformity with the same precedent that it appeared necessary in the present instance to add a condition respecting Parliamentary enactment, in order that, if necessary, any existing obstacles to the arrangement in the series of Imperial Statutes might be subsequently removed.

“The proposals contained in the Convention having been now unequivocally refused by the Colony, they will, of course, fall to the ground. And you are authorised to give such assurance as you may think proper that the consent of the community of Newfoundland is regarded by Her Majesty’s Government as the essential preliminary to any modification of their territorial or maritime rights.

I have, &c.,

(Signed) H. LABOUCHERE.

“To Governor Darling, &c., &c.,
Newfoundland.”

Neither the present Act nor any other specific Act has ever been submitted to the Colonial Government or Legislature for definite acceptance, rejection, or amendment. Information that this Act would be introduced was not given to the Government of the Colony till the 17th day of March last, nor to the Legislature till the 18th day of the same month, though the British Government determined in the middle of January to procure its enactment, and transmitted a despatch to Governor O’Brien on the 19th of that month giving information in regard to this Bill, which must have been received by him before the middle of February,

but was not submitted to the Government of the Colony until the date above mentioned. Knowledge of the introduction of the Act into Parliament on the 19th day of March last was first received by the Government and Legislature of the Colony on the same day by means of telegrams from private persons, and repeated applications by the Legislature to the British Government for a copy of the text of the Bill failed to procure it prior to our departure from the Colony. If this Bill had before its introduction been submitted to the Government and Legislature of the Colony, with an intimation of the British Government's intention to procure its enactment by Parliament, such arrangements might have been made as would have prevented the present unpleasant condition of affairs.

We respectfully submit that the power of legislation on all matters concerning the territory within the jurisdiction of the Colony is vested in the Local Legislature, subject, of course, to Her Majesty's assent; and although we do not pretend to contend that power to legislate for the Colony does not reside in the Imperial Parliament, we most humbly urge that it is a power which should not be exercised before the Local Legislature has most clearly and distinctly refused to enact laws adequately meeting the necessities of the case, and then only in cases of extreme emergency.

By Clause 1, "any temporary arrangement made with France either *before* or *after* the passing of this Act" is enforceable as though it were a treaty; and by Clause 2, "any permanent arrangement" with France "with respect to the differences which have arisen upon the Newfoundland fishery engagements" are also enforceable as though they were treaties. To us it appears that these provisions are intended to legalise the *modus vivendi* made with France in 1890, as well as its renewal this year, and therefore that it is retroactive legislation, calculated to injuriously affect suitors claiming damages for losses sustained in 1890 in consequence of the operation of that *modus vivendi*; and we submit that this is in interference with a right of the subject which ought not to be permitted. But a far more serious danger, and a far greater infringement of constitutional right, than this, appears to be contemplated by the provisions legalising future arrangements. As we interpret the Act, the Government would have power, were it enacted, to cede to France the most valued rights of the Colony, without the Colony's consent, and in spite, indeed, of its most earnest protests. Nay, more, the Imperial Parliament itself seems by the terms of the Bill to be virtually deprived of a constitutional check which it has exercised at all times.

It is proposed by the Bill that when any permanent arrangement with France has been made, it shall be lawful for Her Majesty to enforce it by Order in Council; and although it is provided that such Order must be "communicated to the Government of Newfoundland, and lain on the table of both Houses of the Imperial Parliament for not less than one month," no effective means of protest, and no power of rejection, is secured to the Colony, while the mere omission of the Imperial Parliament to express its disapproval of the Order in Council would for ever fasten upon the Colony the burden of any arrangement which might be made.

The Legislature of the Colony is appalled at the danger with which it is thus menaced. Arrangements proposed in the past have caused it to fear undue concession of the rights of the Colony to France, and it is feared that it is now intended to impose upon the Colony an arrangement to which it would not willingly consent. Whether this be the intention or not, the Bill now before your Lordships evidently confers power to do so, and is therefore, a menace to that right of prior consent promised to the Colony by the British Government in 1857.

The people of the island may at any moment find themselves hampered by arrangements which may prove ruinous to their interests, without any opportunity to prevent them; and we beg further to remind your Lordships that Conventions were made in 1857, and in 1884-5, which provided for concessions to the French, which, if carried out, would have been attended with disastrous results to the fishing interests of the Colony. What has occurred may occur again, and the Bill now before your Lordships provides the opportunity of making such arrangements permanent. It is indeed provided that the Legislature of the Colony may enact legislation to take the place of the present Bill; but this Bill is not to be suspended until the Local Legislature confers upon Her Majesty in Council the precise powers she would have under this Bill, and this provision is therefore but an illusory concession, meaning only that the burden of an Act of this Parliament can only be removed by enacting a similar Act in the Colonial Legislature.

In referring to the arrangements of 1884-5, the Right Honourable the First Lord of the Treasury has publicly stated that it was at first accepted by the Government and Legislature of Newfoundland, and afterwards rejected. In this the right honourable gentleman was misinformed. The Government of the Colony refused at the outset to do more than submit the arrangement to the Legislature after certain amendments were made, and the Legislature was not consulted in any manner at that time. Before the proposed amendments were agreed

to, a new Administration had come into office; and in the session of 1886 the concluded arrangement was first submitted to the Legislature, which referred it to a Joint Select Committee of both Houses, which considered the matter for two sessions, and ultimately the arrangement was unanimously rejected. We may be allowed, in reply to a statement that the Colonial Legislature acted unreasonably in rejecting the Convention, to call attention to a very significant fact. Sir George William Des Vœux, now Governor of Hong Kong, was sent to Newfoundland to induce the Legislature to adopt the Convention. Within a few months of his arrival he expressed his views on the subject, in a despatch to the Colonial Office, in the following forcible language:—

“Now that I fully comprehend the present position of the Colony, it is to me no longer a matter of wonder that the Legislature has hitherto failed to ratify the proposed ‘arrangement’ with France; indeed, I can scarcely conceive it possible that this arrangement will ever be accepted so long as the bait clause remains in it, and no security is taken that the export bounties will not be maintained on their present footing.

“For though all the other articles have the appearance of concession on the part of the French, and some are no doubt substantial concessions, they are all immeasurably outweighed by the single concession required on the part of this Colony. For if there were granted to the French an inalienable right to procure bait here, the future, not only of the coast where they already have fishing rights, *but of the whole Colony, would practically be placed within the control of their Government.*”

SECOND.—We object to this Act because it is modelled after an Act passed at a period when the Colony had no Legislature of its own, and when there was but a small population upon the coast directly affected, whereas the Colony has had a Legislature for over half a century, and the treaty shore is now settled from end to end. The Colony was granted a Legislature in 1832, and settlement upon the treaty shore has been permitted by the British Government for many years past. With their consent grants of lands, subject to French treaty rights, have been given, and the land has been settled upon and improved; with their consent representation in the Legislature has been granted to the settlers, magistrates and custom officers have been appointed upon the coast, telegraphic steam and mail communication have been established, taxes are collected, and public money expended. In face of this great alteration in the whole condition of affairs it should be impossible to re-enact a law first made over a century ago, and which would make it possible for naval officers to render valueless every iota of property on the land or in the waters of the treaty shore—the property not alone of the thousands who dwell there, but also of the other thousands who annually visit and fish there—for no provision of any kind is made in the proposed Act for compensating persons whose property may be in any way affected; and under this Bill power would be vested in the Governor of Newfoundland, or any officer on the station, on his mere volition, arbitrarily to remove a British subject and his property from the treaty coast, and to leave him absolutely divested of any redress or compensation whatever.

In the face of these facts, we submit it would be a terrible injustice to British subjects to give the power to naval officers which is contemplated and given by this Bill.

Should this Bill become law, it must necessarily have the effect of preventing capital being invested for the development of the minerals, of agricultural and lumbering resources, on one half of the island of Newfoundland. This part must ever remain a wilderness, for with the possibility of establishments being removed at any moment, on the mere volition of one man, persons will not be found to risk their capital in so uncertain and precarious a venture.

If this Bill becomes law, and British people can be removed from British soil at the will of a naval officer, we humbly submit that, so far as this part of the island is concerned, the sovereignty of the island is a mere myth, a name without value, whilst the possession of an easement by the French to catch and dry fish on the strand vests in them all that is of value.

THIRD.—We object to the Act now before your Lordships because it is to be used to enforce regulations to carry out treaties the interpretation of which is disputed, and which regulations have hitherto been framed in a manner making them oppressive and unjust to British subjects. British statesmen have declared that under the treaties the French have only a right to fish in the waters along the treaty shore in common with British subjects; but, acting under regulations and orders similar to those which this Act seeks to legalise, British naval officers have prevented our fishermen from exercising common rights with the French, have driven our boats out of the harbours of shelter along the shore, and have otherwise acted as though British subjects had no rights at all upon the treaty shore which were not inferior to those possessed by the French. Thus British statesmen have practically invited our people to do those acts for which British officers have punished them, and thus it will be in the future until the meaning of the treaties is definitely decided. We ought not to be subjected to burdens at once odious and uncertain.

FOURTH.—We object to this Bill because, utterly ignoring the Municipal Courts, it commits the enforcement of the treaties and regulations to the care and supreme control of naval officers not learned in the law, unskilled in legal procedure, and not trained in a manner qualifying them to adjudicate upon abstruse questions affecting the peace of the empire upon the one hand, and the rights of individuals upon the other. The sovereignty of the island of Newfoundland is in Her Majesty, and the right of fishing and drying fish on the coast was conceded to the French merely as an easement. To the enjoyment of this easement they are entitled, and for any interruption or injury they may allege to have sustained, appeal for redress should be made by them to the judicial tribunals of the sovereign of the soil in the first place.

We therefore most earnestly urge that her Majesty's ordinary courts of justice in Newfoundland are the tribunals which should adjudicate upon questions arising between British and French fishermen. From any judgment a final appeal would lie to Her Majesty and the Privy Council. In no case should naval officers be permitted to try causes arising as aforesaid, since courts of justice already exist in the Colony for the purpose, and if it be deemed impossible for the ordinary courts to enforce the law in such a manner as to adequately ensure justice to the French, special courts could and should be provided.

FIFTH.—We object to this Bill because it is intended to aid in the enforcement of a *modus vivendi*—

- (a.) Both made and renewed without the Colony's consent ;
- (b.) Renewed after a positive pledge that it was " for one year only ;"
- (c.) Renewed without providing for the operation of factories erected, completed, or made ready for operation in consequence of the pledge that the original *modus vivendi* was " for one year only ;"
- (d.) Renewed without providing for the compensation of those who relied upon this pledge.

SIXTH.—We object to the Bill because it provides for the enforcement of the award of an Arbitration Commission definitively empowered to deal with one issue only, and that an issue against the separate submission of which the Colony has again and again protested. The Colony is ready and willing to submit to unconditional arbitration all the questions arising under the treaties and declarations, asking only that no single question shall be decided until a decision has been arrived at as to all other points at issue, and that the award shall then be enforceable as a whole. According to the terms of the agreement for arbitration recently entered into, no questions can be submitted except those which affect the fishery upon the French treaty shore, and these only as they may be agreed upon from time to time. This totally excludes from the purview of this arbitration one most important question which the Colony desires to have decided (that, namely, which refers to the French occupation and use of the islands of St. Pierre and Miquelon), and makes it possible for either of the high contracting parties to withhold any of those questions affecting even the fisheries themselves which such party may deem it inexpedient in its own interests to have decided. Either party at any time after the settlement of the lobster question, or whenever dissatisfied with a decision upon any particular point, may withdraw from further arbitration ; and such a result may occur at a time most embarrassing to the other side. While, therefore, the Colony perceives that under the present arrangement it will be impossible to have all question, decided, it has no assurance that upon certain issues adverse decisions may not be arrived at, with no compensating advantages from decisions in its favour upon other points. While, therefore, it would welcome arbitration upon every question at issue, it deprecates in the most earnest manner a piecemeal settlement.

It has been publicly stated by the Right Hon. the First Lord of the Treasury that the terms of the arbitration agreement were made known to the Government of the Colony before they were finally agreed to. This, we regret to say, is not the case. On the 7th of March last, the Right Hon. the Secretary of State for the Colonies informed the Governor that arbitration would shortly take place on the lobster fishery question, and the Government of the Colony promptly telegraphed a protest against any arbitration which did not include all the questions arising under the treaties and declarations. Seven days afterwards—on the 16th of March last, that is—the Right Hon. Secretary of State telegraphed that an agreement for arbitration had been signed *five days before*, and then first made known its terms.

SEVENTH.—We object to this Bill because, while it permits the removal of property from the treaty coasts, it makes no provision for the compensation of those who may suffer loss thereby, and thus makes the title to property extremely precarious. The effect which this Bill will have in retarding the development of the Colony's resources has been already dwelt upon, but we cannot too strongly urge the duty of protecting private rights ; and if the

settlers upon the French treaty coasts are to be liable at all times to removal by naval officers; they ought at least to be assured compensation. If the few are to be sacrificed for the good of the many, the many should compensate them, and to this compensation they should, we submit, be entitled by the terms of any Bill which may be enacted by Parliament.

We are not unaware or unappreciative of the difficulties with which Her Majesty's Government have to grapple, and we are sincerely desirous of aiding in their solution. Actuated with this spirit, we have approached the Government with proposals calculated, we sincerely believe, to give all necessary power to execute the treaties, declarations, and agreements with France according to their true intent and meaning. Those proposals are as follows:—

First.—(a.) The Newfoundland Legislature to pass immediately an Act authorising the execution for this year of the *modus vivendi*, the Award of the Arbitration Commission regarding the lobster question, and the treaties and declarations under instructions from her Majesty in Council;

(b.) The further progress of the Bill now before Parliament to be deferred until the passing of the above Act, and the Bill then to be withdrawn;

(c.) The terms of an Act to empower Courts and provide for regulations to enforce the treaties and declarations to be discussed and arranged with the delegates now in this city as rapidly as possible, and to be enacted by the Legislature of the Colony as soon as agreed upon.

Second.—(a.) The present arbitration agreement not to be allowed to operate further than the lobster question without the prior consent of the Colony, and in this case the Colony to be represented upon the Commission.

(b.) The Colony desires an agreement for an unconditional arbitration on all points that either party can raise under the treaties and declarations; and if this be arranged between Great Britain and France, Newfoundland will ask to be represented upon such arbitration, and will pass an Act to carry out the award.

We regret that up to the present moment these propositions have not been accepted, nor any hope been held out that they will be. The temporary legislation which we have proposed to procure the enactment of would be immediately adopted by the Legislature of the Colony, and present needs thereby amply met. The details of a permanent and thoroughly satisfactory measure could be arranged and enacted without delay by the Legislature of the Colony. The adoption of our proposals would at once cause excitement to subside, and would induce peace under conditions which make coercion by war-ships extremely difficult, if not impossible. If the Bill now before your Lordships becomes law, its provisions will have to be enforced upon a resentful people; but if our propositions are adopted, every good object which the present Bill can have in view will be easily and pleasantly attained, and without injury to the proper pride of a people who, though few in number, are as much entitled to consideration as the inhabitants of the proudest portion of the British Empire. No good can possibly come from coercing, or threatening to coerce, a people willing to do their whole duty; and to enact the Bill now before your Lordships, in face of the propositions made by us, would be a needless indignity to a loyal people.

In humbly praying that the Bill now before your Lordships may not be read a second time, we feel confident that we are consulting the best interests of Newfoundland and of the Empire. Its enactment will leave a rankling wound in the hearts of the Colonists, and establish a precedent that must ever give a feeling of insecurity to every self-governing Colony. In offering, on behalf of the Colonial Legislature, to enact laws adequately providing for the honourable fulfilment of obligations of an exceedingly odious kind, we are animated by a spirit of patriotism and devotion to the Empire; and we most respectfully submit that persistence in the passage of the present Bill would under the circumstances be but a poor return for that faith in Parliament which animated the Legislature when sending us to the bar of this House.

In conclusion, I may add that the time at our disposal has not enabled us to prepare such a full and complete statement of our case as we wished to lay before you, and we had hoped that the time for making this statement would have been extended; but we have to express our gratitude for the patient hearing which you have afforded us, and we are confident that the defects in our case will be supplied by your Lordships, as we are aware of the deep interest which you take in, and your knowledge of, the subject under consideration. We therefore leave the matter with your Lordships, in perfect confidence that you will mete out to the Colony we represent that justice which is traditional of this most noble House.

APPENDIX A.

ARTICLES in the TREATIES and the DECLARATIONS referred to by SIR WILLIAM WHITEWAY.

Article 13 of the Treaty of Utrecht (1713) is as follows :—

“The island called Newfoundland, with the adjacent islands, shall from this time forward belong of right wholly to Great Britain ; and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up, within seven months from the exchange of the ratification of this treaty, or sooner, if possible, by the most Christian King, to those who have a Commission from the Queen of Great Britain for that purpose. Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island or islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence and in the gulph of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there.”

Articles 5 and 6 of the Treaty of Paris (1763) are as follows :—

“*Article 5.*—The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as it is specified in the 13th article of the Treaty of Utrecht, which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulph of St. Lawrence) ; and his Britannic Majesty consents to leave to the subjects of the most Christian King the liberty of fishing in the gulph of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situated in the said gulph of St. Lawrence. And as to what relates to the fishery on the coast of the island of Cape Breton, out of the said gulph, the subjects of the most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coast of the island of Cape Breton ; and the fishery on the coasts of Nova Scotia or Arcadia, and everywhere else out of the said gulph, shall remain on the foot of former treaties.

“*Article 6.*—The King of Great Britain cedes the islands of St. Pierre and Miquelon in full right to his most Christian Majesty, to serve as a shelter to the French fishermen ; and his said most Christian Majesty engages not to fortify the said islands, to erect no buildings upon them but merely for the convenience of the fishery ; and to keep upon them a guard of fifty men only for the police.”

Articles 4, 5, and 6 of the Treaty of Versailles (1763) are as follows :—

“*Article 4.*—His Majesty the King of Great Britain is maintained in his right to the island of Newfoundland, and to the adjacent islands, as the whole were assured to him by the 13th article of the Treaty of Utrecht ; excepting the islands of St. Pierre and Miquelon, which are ceded in full right by the present treaty to his most Christian Majesty.

“*Article 5.*—His Majesty the most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees north latitude ; and his Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of his most Christian Majesty, beginning at the said Cape St. John, passing to the north, and descending by the western coast of the island of Newfoundland, shall extend to the place called Cape Ray, situated in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

“*Article 6.*—With regard to the fishery in the gulph of St. Lawrence, the French shall continue to exercise it, conformably to the 5th article of the Treaty of Paris.”

The following declaration was made by his Britannic Majesty upon the signing of the Treaty of Versailles :—

“The King, having entirely agreed with his most Christian Majesty upon the articles of the definite treaty, will seek every means which shall not only insure the execution thereof,

with his accustomed good faith and punctuality, and will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

“To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels his Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French, during the temporary exercise of it which is granted to them upon the coasts of the islands of Newfoundland; but he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

“The 13th article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there. It shall not be deviated from by either party, the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of his Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence.

“The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations, and that the fishery between the said islands and that of Newfoundland shall be limited to the middle of the channel.”

The following counter declaration of his most Christian Majesty the King of France was made at the same time:—

“The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting by preventing, as much as possible, in the four quarters of the world, every subject of discussion and quarrel.

“The King of Great Britain undoubtedly places too much confidence in the uprightness of His Majesty’s intentions not to rely upon his constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

“As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two sovereigns, upon this matter it is sufficiently ascertained by the 5th article of the Treaty of Peace signed this day, and by the declaration likewise delivered to-day by His Britannic Majesty’s Ambassador Extraordinary and Plenipotentiary; and His Majesty declares that he is fully satisfied on this head.

“In regard to the fishery between the island of Newfoundland and those of St. Pierre and Miquelon, it is not to be carried on by either party but to the middle of the channel; and His Majesty will give the most positive orders that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.”

Articles 8 and 13 of the Treaty of Paris (1814) are as follows:—

“*Article 8.*—His Britannic Majesty, stipulating for himself and his allies, engages to restore to His most Christian Majesty, within the term which shall be hereafter fixed, the colonies, fisheries, factories, and establishments of every kind which were possessed by France on the 1st January 1792, in the seas and on the continents of America, Africa, and Asia, with the exception, however, of the islands of Tobago and St. Lucie, and the Isle of France and its dependencies, especially Rodrigues and the Seychelles, which several colonies and possessions his most Christian Majesty cedes in full right and sovereignty to his Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which his most Christian Majesty restores in full right and sovereignty to his Catholic Majesty.

“*Article 13.* The French right of fishery upon the Great Bank of Newfoundland, upon the coasts of the island of that name, and of the adjacent islands in the gulph of St. Lawrence, shall be replaced upon the footing in which it stood in 1792.”

Article 11 of the Treaty of Paris (1815) is as follows:

“The Treaty of Paris, of the 30th of May 1814, and the final act of the Congress of Vienna, of the 9th of June 1815, are confirmed and shall be maintained in all such enactments which shall not have been modified by the articles of the present treaty.”

No. 6.

COLONIAL OFFICE to SIR W. WHITEWAY.

SIR,

Downing Street, April 29, 1891.

I AM directed by Lord Knutsford to acquaint you that the Committee on the Newfoundland Fisheries Bill stands as an order of the day for Monday next in the House of Lords, and I am to ask that you will be good enough to inform his Lordship at your earliest convenience whether any and what steps have been taken, or are proposed to be taken, towards the passing in the Colonial Legislature of a measure for giving effect to the *modus vivendi* for 1891, the award of the arbitrators upon the lobster questions, and the existing treaties and declarations under instructions from Her Majesty in Council.

Sir William Whiteway.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 7.

COLONIAL OFFICE to SIR W. V. WHITEWAY.

SIR,

Downing Street, April 30, 1891.

WITH reference to the proposals contained in your letter to the Marquis of Salisbury of the 21st instant,* I am directed by Lord Knutsford to acquaint you that as the question of appointing British delegates to the arbitration with France must now be considered and dealt with, he would be glad to learn definitely whether your Government proposes to nominate a delegate to represent the Colony of Newfoundland on the Commission of Arbitration on the question of Lobster Factories.

Sir W. V. Whiteway, K.C.M.G.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 8.

THE NEWFOUNDLAND DELEGATES to COLONIAL OFFICE

MY LORD,

Hotel Métropole, London, May 1, 1891.

IN acknowledging the receipt of your communication of the 29th ultimo,† we beg to say that, having very carefully considered the speeches made in the House of Lords on Monday the 27th ultimo, we desire to lay before Her Majesty's Government the following propositions:—

(a.) If the Bill now before the Lords be not further proceeded with, and if Her Majesty's Government admit the principle of a measure for the creation of courts to adjudicate upon complaints arising in the course of the enforcement of the treaties and declarations relative to French treaty rights, and engage to discuss and arrange with us as rapidly as possible the terms of a Bill embodying that principle, we will with all possible speed procure the enactment by the Colonial Legislature of a measure giving power to Her Majesty in Council during the current year to enforce in the same manner as heretofore her rules and regulations for the observance of the *modus vivendi*, the award of the arbitration, and the treaties and declarations with France, which temporary Act the Colonial Legislature will replace by a permanent measure for securing the enforcement of the treaties under the orders of the special courts referred to above, provided that if, as the result of the enforcement of the award of the arbitration, the property of Her Majesty's subjects is disturbed they shall be entitled to compensation.

If a temporary Act by the Colonial Legislature is to supersede the Bill now before Parliament, Her Majesty's Government will perceive how wise it will be to prevent greater irritation in the Colony by refraining from proceeding further with the Bill

* Enclosure in No. 3.

† No. 6.

now before the House of Lords, and will not hesitate, we hope, to accede to our requests in this respect. The burdens under which the colonists suffer are great, the causes of irritation many, and they feel that as the claims of the French are being unduly pressed for the purpose apparently of affecting the policy of Great Britain in other parts of the world, they may be said to be suffering for the benefit of the Empire at large. A proper recognition of their unfortunate position would induce Her Majesty's Government, we think, to be extremely considerate, and not to press forward the pending Bill in a manner which may be regarded by our fellow colonists as indicating a want of confidence in us and them.

The temporary act suggested should be exceedingly simple in its provisions, and delay in framing it would neither be desirable nor necessary. If our propositions can be accepted, the terms of such an Act may be telegraphed to the Legislature, and enacted in a few days, thus relieving Her Majesty's Government of all anxiety as to the enforcement of the treaties and engagements during the present year.

Heretofore the orders, regulations, and instructions of Her Majesty in Council for securing the observance of the treaties and declarations with France, have been carried into effect by naval officers, who have apprehended, judged, and punished our fellow colonists, combining, in fact, the functions of policemen, judges, and juries, and no right either of appeal or redress has been possessed by those who may have considered themselves aggrieved. We do not desire to cast any imputations upon the naval officers, many of whom have proven true friends of the Colony, but the very nature of their duties and powers has made hardship inevitable. We propose that they should now be relieved of a portion of their functions. They may continue to patrol the treaty coasts, and may apprehend those against whom complaint is made for infringement of fishing rights; but in all cases the decision upon such complaints should be given by a qualified judicial officer appointed for the purpose, who would hear the evidence in each case and decide summarily, and whose decision the naval officers could carry into effect. In cases of complaints of interruption of rights of fishing the judicial officers should have power upon the trial of such complaints to issue and enforce such orders or injunctions as they deemed necessary to prevent such interruptions, and the parties to such complaints should have a right of appeal upon points of law to the Supreme Court of the Colony, and from the Supreme Court to the Privy Council, but not so as to prevent the execution of any orders or injunctions issued for the purpose of preventing any interruptions complained of. In cases of complaints arising upon the land, however, the decision of the judicial officer should not be enforceable, if and when an appeal upon points of law had been taken to the Supreme Court, and the Supreme Court on circuit should also be made a court of first instance in cases concerning such complaints, if the parties making complaints preferred to commence their actions in such Supreme Court. The judicial officers should have a knowledge of local conditions, and of the manner of carrying on the fishery, and they should of course be thoroughly acquainted with legal procedure. It would therefore be necessary that they should be appointed by the Colonial Government, with the approval of Her Majesty in Council, and with such other safeguards as might be deemed necessary to secure their thorough impartiality. It would be necessary, perhaps, to provide that a judicial officer should be placed on board each ship of war upon protection service, or that several such officers should be stationed at various places on the treaty shores during the fishing season, but this is a matter of detail which could be arranged. The creation of such courts as we here suggest would insure our fellow colonists fair trials, and would relieve the naval officers of a task which must be uncongenial; and the efficiency of the protection service would be increased rather than decreased.

The details of such measure as we have outlined, though their preparation need not occupy a long time, cannot, we apprehend, be arranged in time to be made applicable this year, and therefore, if Her Majesty's Government agree in the main with the principle of our suggestions in this respect, the temporary legislation referred to can be proceeded with at once, and the details of the permanent measure be more deliberately worked out. It would, however, be necessary to agree upon the terms of the permanent legislation before we leave this city, and extremely desirable to come to an agreement so speedily as to make it possible to enact the measure in the local legislature before the present session concludes, so that it could come into force at the beginning of next year. We represent all parties in the Legislature, and therefore a Bill agreed upon by and with us, will be more satisfactory to the Colony, and be more likely to obtain acceptance, than a measure arranged at any other time and with any other persons.

In reference to the present Arbitration Commission we have to make the following proposals :—

If it be possible to abandon arbitration upon the lobster question, we strongly urge that it be done, for we fear grave complications as its result. But if it be not possible now to withhold that question, we ask an assurance—

- (1.) That no further questions shall be submitted to the Arbitration Commission without prior consultation with the Government of the Colony ;
- (2.) That the opinion of the Colonial Government will not be disregarded in the absence of some paramount consideration involving the welfare of the Empire ; and
- (3.) That compensation will be given to those persons, if any, whose property may be disturbed by the award of the arbitration.

In asking this assurance we recognise the fact that a definition of existing treaties is not necessarily a cession or modification of our rights, since the object of an attempt to define them is but to ascertain what those rights are ; but it cannot be too clearly or strongly pointed out that a settlement of disputed questions in a partial or piecemeal fashion may result in seriously affecting the Colony's interests, and therefore that such a settlement should never be attempted without consulting the Colony, and not without its prior consent, except in cases where the interests of the Empire were of paramount importance to those of the Colony.

Her Majesty's Government have already recognised the principle of compensating the owners of lobster factories, by ordering the appointment of a commission to investigate into their losses under the original *modus vivendi*, and the same principle would of course be applicable to those who suffered as the result of the present *modus vivendi* or of the award. The recognition of the principle in the latter case would be very acceptable in the Colony.

If the arbitration upon the lobster question is unavoidable, and Her Majesty's Government convey to us the assurances we have requested, it will be advisable for the Colony to be represented upon the arbitration, and we would advise the acceptance of the invitation already made to the Colonial Government to appoint a delegate-arbitrator from the Colony.

So far our remarks have applied solely to an arbitration which we understand to be limited to a judicial interpretation of the meaning of the treaties and declarations. Arbitrations or arrangements to provide a way of modifying or abrogating those treaties and declarations would of course be upon an entirely different footing, and concerning such arbitrations or arrangements we desire from Her Majesty's Government a reassurance "that the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent ; and that the constitutional mode of submitting measures for that assent is by laying them before the Colonial Legislature."

In repeating the declaration that we are willing to submit every question arising under the treaties and declarations to an unconditional arbitration, we do not fail to recognise how impossible it is for Her Majesty's Government to procure such a submission without the consent of France ; but we trust that such consent is not wholly out of the question, and express the hope that the relations between France and Newfoundland may speedily be upon a more satisfactory basis than at present. The Colony only desires an equitable arrangement of pending difficulties, and acknowledges the duty incumbent upon the Empire of securing to the French to the fullest extent the enjoyment of their rights, or of amply compensating them in some manner for their voluntary abrogation.

Having submitted our views so fully and frankly, we respectfully request that a reply may be vouchsafed as speedily as possible, and that any divergence of opinion may be pointed out.

What is to be done must be done quickly, as Her Majesty's Government has indicated and we hold ourselves in readiness at all times to perform our part.

We are, &c.,
(Signed) THE NEWFOUNDLAND DELEGATES.

To the Right Hon. Lord Knutsford,
&c. &c. &c.

COLONIAL OFFICE to THE NEWFOUNDLAND DELEGATES.

GENTLEMEN,

Downing Street, May 4, 1891.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 1st instant,* stating certain conditions under which you propose that Colonial legislation should be substituted for the Bill now before Parliament for the purpose of giving effect to the *modus vivendi*, to the award of the arbitrators on the lobster question, and to the treaties and declarations respecting the Newfoundland fisheries.

2. Her Majesty's Government regret to observe that the proposals now presented differ in form from those made on your behalf at the bar of the House of Lords.

3. You are aware, from the statement made by Lord Knutsford in moving the second reading of the Imperial Bill on the 27th ultimo, that Her Majesty's Government agreed not to move the second reading of the Bill in the House of Commons until after Whitsuntide, and then not to proceed with it any further if in the meantime an Act had been passed by the Colonial Legislature authorising the execution of the *modus vivendi*, the award of the Arbitration Commission regarding the lobster question, and the treaties and declarations under instructions from Her Majesty in Council.

4. Her Majesty's Government were under the impression that you clearly understood that the Colonial Act, while providing for the execution of the *modus vivendi* for 1891, was also to secure permanently both the execution of the award of the Arbitration Commission on the lobster question and the fulfilment of the treaties and declarations. Her Majesty's Government, at the same time, recognised the objections raised by you against continuing powers to the Naval Officers to act on land, and expressed their readiness to consider at once, but as a separate matter, "the terms of an Act to empower courts and provide for regulations to enforce the treaties and declarations," understanding that the passing of the Colonial Act referred to in the first part of the proposal would not be delayed, but that if, as they anticipated, the terms of such a measure could be agreed upon, another Colonial Act would be brought in to amend the former Act.

5. It appears, however, from your letter under reply that it is now made a condition precedent to Colonial legislation that the Imperial Bill should not be further proceeded with, and it is also stated that the Colonial Act is to be altogether temporary.

6. Her Majesty's Government regret that they cannot assent to this altered proposal. Taking an average of years, and judging from the reports of the naval officers and other official documents, it seems that the cod fishery on the West Coast of Newfoundland begins about the middle of May, and that lobster factories get to work on some parts of the treaty shore towards the end of that month; but the Governor has just informed Her Majesty's Government that this year the cod fishery and lobster catching have already commenced.

7. In these circumstances and bearing in mind their obligations to the French Government and the decision of the Supreme Court of the Colony against the powers of the naval officers to secure observance of the treaties or of the *modus vivendi* for 1891, Her Majesty's Government are confirmed by your present letter in the opinion, that the Imperial Bill must be so far advanced that in case of any unfortunate failure on the part of the Colonial Legislature to pass the necessary legislation, it may be rapidly proceeded with through its remaining stages and become law.

8. The terms of the Act which the Colonial Legislature are now desired to pass, would be simple, and there need be no delay in framing or passing it.

9. As regards the further proposals made in your letter, Her Majesty's Government desire me to state that the arbitration upon the sole question now to be submitted to the Commission cannot be abandoned, but they are willing to give an assurance that no further questions shall be submitted to the arbitrators without full consultation with the Colonial Government, and that the opinion of the Colonial Government will not be disregarded in the absence of pressing considerations affecting the interests of the Empire.

10. They will also carefully consider the question whether compensation should properly be given to those persons whose property may be disturbed by the award of

* No. 8.

the arbitrators, although they see no grounds for admitting any liability on the part of the Imperial Government to pay such compensation.

11. Her Majesty's Government still entertain a hope that the Colonial Government will assent to the proposal that the Colony should be represented by a delegate at the approaching arbitration, and they heartily join in the hope expressed by you, that the relations between France and Newfoundland may speedily be placed upon a more satisfactory basis. They cannot, however, pass without notice, the sentence in which it is said that "the claims of the French are being unduly pressed for the purpose apparently " of affecting the policy of Great Britain in other parts of the world." There is no foundation whatever for the suggestion contained in these words.

The Newfoundland Delegates.

I am, &c.,
(Signed) EDWARD WINGFIELD.

No. 10.

THE NEWFOUNDLAND DELEGATES to COLONIAL OFFICE.

Hotel Métropole, London,

MY LORD,

May 6, 1891.

WE beg to acknowledge the receipt of your Lordship's letter of Monday's date, in reply to our communication of the 1st instant,* and to express our disappointment that the proposals made by us have not been accepted.

(1.) Your Lordship says that "Her Majesty's Government regret to observe that " the proposals now presented differ in form from those made on your behalf at the " bar of the House of Lords." In paragraph 3 you also say that "Her Majesty's " Government were under the impression that you clearly understood that the " Colonial Act, while providing for the execution of the *modus vivendi* for 1891, was " also to secure permanently both the execution of the award of the Arbitration " Commission on the lobster question, and the fulfilment of the treaties and " declarations." From these two quotations we gather that it was because Her Majesty's Government understood our proposition, that the Legislature would immediately pass an Act, to mean a permanent Act, and it is because you have now ascertained that we meant a temporary Act only that you charge us with a departure from our proposal. We are at a loss to understand how Her Majesty's Government could have so completely misunderstood our original statement. Its precise words were: "The Newfoundland Legislature to pass immediately an Act authorising the " execution *for this year* of the *modus vivendi*, the award of the Arbitration Commission " on the Lobster question, and the treaties and declarations under instructions from " Her Majesty in Council." The words, "for this year," clearly apply, and were so intended, to the award of the Arbitration Commission, and the treaties and declarations, as well as to the *modus vivendi*, and to make our offer plainer, if possible, we went on to say, "*The temporary legislation which we have proposed to procure the " enactment of* would be immediately adopted by the Legislature of the Colony, and " present needs thereby amply met. The details of a permanent and thoroughly " satisfactory measure could be arranged and enacted without delay." We submit that in view of this unequivocal language, Her Majesty's Government and not we are responsible for the misunderstanding.

(2.) There are other reasons which make the misimpression of Her Majesty's Government more inexplicable. How could it have been supposed that we would offer to procure the enactment in a permanent form of legislation validating the very abuses of which we complained? How could it be supposed, for instance, that we proposed *permanent* legislation to enforce the award of a partial arbitration to which the Colony had objected from the outset, without any provision for indemnity against its results; or that we would propose a permanent measure conferring power upon naval officers to try and to punish people without the aid of a judicial tribunal. That offer was intended to afford Her Majesty's Government ample powers during the discussion of the terms of a permanent measure of a more equitable kind than the temporary Act.

* Nos. 8 and 9.

(3.) In paragraph 4 of your Lordship's letter you say, "Her Majesty's Government at the same time recognised the objections raised by you against continuing powers to the naval officers to act *on land*." We are unaware of any reason which Her Majesty's Government now have or have ever had for assuming that we confined our objections to the powers exercised by naval officers upon land merely; nor, so far as we can ascertain, did Her Majesty's Government so limit their recognition of our proposals when they were replied to in the House of Lords on the 27th ultimo. The judicial powers exercised by the naval officers over our fishermen and their boats, vessels, and implements of trade within the territorial waters, are as oppressive and objectionable as the powers they have had upon land, and we could never consent to a permanent measure which continued our fellow colonists upon the waters or on the land in a state of subjection to the arbitrary decisions and actions of naval officers. In our letter of the 1st instant we explained at considerable length the principles of the permanent Bill which we wished to have enacted, to take the place of the temporary Act, but Her Majesty's Government have not yet expressed their opinion of these propositions. It would perhaps tend materially to a solution of present difficulties if Her Majesty's Government were to convey that opinion to us, admitting the principle our propositions involved.

(4.) With reference to paragraph 5 of your Lordship's letter, we beg to say that we did not propose that the Bill now before the House of Lords should not be further proceeded with as a condition precedent to *any* action by the Legislature of the Colony, nor do we think our words bear the interpretation put upon them in your letter, or by Lord Salisbury and your Lordship when speaking in the House of Lords on Monday. Lord Salisbury then said, "The delegates want the Bill to be dropped altogether. That is a condition precedent to their doing anything themselves." We have never proposed that the Bill now before the Lords should be "dropped" as a condition precedent. Our proposition was, "If the Bill be not further proceeded with * * * we will with all possible speed procure the enactment by the Colonial Legislature of a measure giving power to Her Majesty in Council during the current year to enforce in the same manner as heretofore Her rules and regulations, &c.," and in the next paragraph we added that "If a temporary Act is to supersede the Bill now before Parliament Her Majesty's Government, &c., &c." Clearly then we did not make the dropping of the present Bill a condition precedent to *any* action by the Legislature, as Lord Salisbury remarked, but said, on the contrary, that the present Bill would be superseded by an *Act* of the Legislature: a Bill, that is, which had passed through all its stages and been assented to by the Governor. By asking that the Bill be not further proceeded with, and in such an event offering to do certain things, we were only asking in effect that the present Bill should be deferred long enough to permit the enactment of a local measure, and if this were not enacted in due time Her Majesty's Government would have ample opportunity to proceed with their Bill.

(5.) We regret to observe that Her Majesty's Government have not responded to our desire to be reassured that no arbitration or arrangement for modifying the rights of the Colony, as distinct from an arbitration for defining what those rights are, will be entered into without the consent of the Colony. In the House of Lords, on Monday, your Lordship made use of language which makes the reassurance all the more necessary. You then said: "If Imperial interests required it, the Government might now make such permanent arrangements without the consent of the Colony, though such a step would not be taken without some grave and weighty reasons of an Imperial character." Undoubtedly Her Majesty's Government have *power* to make such arrangements; but it is a power which could not be exercised without violating the pledge so solemnly given in 1857, when the Colony was assured in the most emphatic language that its rights would not be ceded or exchanged without the consent of the Colony. Probably your omission to reassure us upon this point was inadvertent, and in order to elicit a reply we beg to draw your Lordship's attention to the following extract from our letter of the 1st instant,† and to respectfully ask for a reply: "So far our remarks have applied solely to an arbitration which we understand to be limited to a judicial interpretation of the meaning of the treaties and declarations. Arbitrations or arrangements to provide a way of modifying or abrogating those treaties and declarations would, of course, be upon an entirely different footing, and concerning such arbitrations or arrangements we desire from Her Majesty's Government a reassurance that the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent, and that the

† No. 2.

“ constitutional mode of submitting measures for that assent is by laying them before the Colonial Legislature.”

(6.) We note the assurance of Her Majesty's Government that “there is no foundation whatever” for the suggestion made by us that “the claims of the French are being unduly pressed for the purpose apparently of affecting the policy of Great Britain in other parts of the world,” and can only say that if France has no such motive, her conduct in insisting upon strained interpretations of her treaty rights in Newfoundland, contrary to their spirit and to the changes wrought by time, after those rights have lost all or nearly all intrinsic value to her, and exist only as an incubus upon a British Colony, is of an exceedingly unfriendly character, and not at all in consonance with the spirit of the age. French rights in Newfoundland have been rendered almost wholly valueless to France in consequence of the changes which have taken place within a few years, and these rights prevent the development of the resources of the Colony in a most material degree, and if the conduct of the French is not explainable upon the hypothesis put forward by us, it is the more to be deprecated.

(7.) Lord Salisbury and your Lordship, when speaking in the House of Lords on Monday, dwelt very strongly on the fact that the Colonial Legislature have not yet enacted any measure or shown any disposition to do so, and our power to fulfil our promises was doubted. The Legislature has not acted in the matter because we, to whom it has committed its interests, have not asked it to do so; and the reasons why we have not asked it to take action are (1) because we believed it would be more expeditious to have an Act passed after its terms had been agreed upon between Her Majesty's Government and us, than to pass, before such agreement, an Act which might not be satisfactory; and (2) because before the temporary Act is passed we desire certain assurances as to the character of the permanent Act which is to take its place. We have not asked Her Majesty's Government to *drop* their Bill in return for our promises, as Lord Salisbury indicated on Monday, but have requested that it should not be further proceeded with until we have had time to procure the enactment of a temporary measure. We only ask delay for this purpose, and if Her Majesty's Government will now accept the temporary Act referred to in our letter of the 1st instant, upon the terms there stated, we will at once procure its enactment by the Legislature, and if it be not enacted by the Legislature before the end of the Whitsuntide holidays Her Majesty's Government will have time to proceed with the present Bill.

We are, &c.,
(Signed) THE NEWFOUNDLAND DELEGATES.

No. 11.

COLONIAL OFFICE to THE NEWFOUNDLAND DELEGATES.

GENTLEMEN,

Downing Street, May 8, 1891.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 6th instant,* from which, and especially from its concluding paragraph, his Lordship fears that he must conclude that you are not yet prepared to procure the passing by the Colonial Legislature of such an Act as would relieve Her Majesty's Government from the necessity of proceeding further with the Imperial Bill after it has passed the House of Lords.

As you were aware that Her Majesty's Government had formally undertaken to give full effect, not for one year only, but absolutely, to all the decisions of the arbitrators concerning the lobster fishery, and further, that it was necessary to make effective and not merely temporary provision for the due execution of the existing treaties and declarations, Her Majesty's Government did not hesitate to accept the words “for this year” in the first proposal in the speech at the Bar of the House of Lords as applying only to the *modus vivendi* for 1891, to which their application would naturally be limited, as this alone of the three matters which have to be provided for is of a temporary character; and they still fail to perceive how those words could properly be used in connexion with the permanent obligations of the Colony and of this country to France.

* No. 10.

It will hardly be suggested that the French Government could be informed that Her Majesty's Government, having undertaken to give full effect to the arbitration, and having unexpectedly found their powers of carrying out the treaties and declarations imperfect, had decided that provision for the performance of their obligations should be made for the current year only, after which the present difficulties might recur.

In one respect only (putting aside the *modus vivendi* of 1891) could any part of the proposed Colonial legislation be considered temporary, that is to say, Her Majesty's Government were willing to agree that if the necessary powers to carry out the award of the arbitrators and the treaties and declarations were now secured in a Colonial Act, the question as to the respective jurisdictions of the Courts and naval officers should be considered at an early date, and if the terms of another Bill could be agreed upon, some provisions of the Colonial Act might hereafter be amended by further legislation. In this sense, and in this sense only, Her Majesty's Government were willing that the legislation should be of a temporary nature.

It is to be regretted that there should have been a misapprehension as to the nature and intention of your proposals; but, however such misapprehension may have arisen, Lord Knutsford would have thought that there could have been no misapprehension as to the meaning of the language in which Her Majesty's Government expressed their practical acceptance of the first proposal. The words were: "If by that time" (*i.e.* the second reading of the Bill in the House of Commons after Whitsuntide) "the Colonial Legislature has passed an Act which in the opinion of Her Majesty's Government sufficiently secures the observance and execution, first of the *modus vivendi* for 1891; secondly, of the decision of the arbitrators upon the lobster question; and thirdly, of the treaties and declarations, Her Majesty's Government will not go forward with this Bill." No temporary Act could be held sufficient to secure the two last objects.

Until the question whether there is to be such Colonial legislation as Her Majesty's Government can accept has been disposed of, Lord Knutsford does not think that there would be advantage in further discussing the other points referred to in your letter which have, moreover, been substantially dealt with in the correspondence and debates.

His Lordship trusts that he has clearly explained in what respects it is important, that the legislation now urgently required should be permanent in form, though subject to revision or repeal whenever an altered condition of affairs may render that course possible; and he trusts that you will yet be able to recommend to the Colonial Legislature the enactment of such a measure as may enable Her Majesty's Government, having regard to the obligations of which they cannot divest themselves, to withdraw the Bill which they introduced.

The Newfoundland Delegates.

I am, &c.,
(Signed) ROBERT G. W. HERBERT.

No. 12.

THE NEWFOUNDLAND DELEGATES to LORD KNUTSFORD.

Hotel Métropole, London,
May 13, 1891.

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's communication of the 8th instant:—*

(1.) It is still impossible for us to comprehend how Her Majesty's Government could have understood the words "for this year" in our original proposal, to apply to the *modus vivendi* for 1891 only, and not to the award of the lobster arbitration and the treaties and declarations. As the *modus vivendi* itself is expressly limited "for the fishery season of 1891," it would have been mere surplusage for us to have said that an Act to enforce it must be for this year only. Your Lordship argues that because the obligations of the Empire are permanent the Bill which we proposed to have enacted immediately must also have been intended to be permanent. That would be true if that Act were the only one proposed, but our suggestion was that the principle of a permanent Act should also be admitted, and a pledge given that its details would at once be discussed and arranged so that it might be enacted in due

* No. 11.

time to replace the temporary Act. It is not to be presumed, we suppose, that future sessions would find Parliament less sensible than it now is of the necessity of enforcing regard for the Empire's obligations, and therefore no doubt need be felt that if the proposed permanent Act had not been agreed upon and enacted, when Parliament next assembled it would enact the necessary legislation to continue the enforcement of the treaties and declarations. In order that the obligations of the Empire to the French may be carried out, it cannot be necessary to enforce them in a manner both harsh and unjust to the Colony, and contrary to the well settled principles upon which British law is administered, provided the same end can be attained by some better means. The question which Newfoundland raises is not, "Shall treaty obligations be fulfilled," but shall they be enforced in a manner which inflicts unnecessary hardship upon our fellow colonists; and the point at issue is only obscured by arguing as though the measure now before the House of Lords must either be enacted by Parliament, or a similar one by the Legislature of the Colony, or the Empire's obligations abandoned.

(2.) With your Lordship we deeply regret that Her Majesty's Government should have misapprehended the nature and intention of our proposal. In the despatch from your Lordship now before us, as well as in that bearing date the 4th instant,* you refer to our proposal as "the first proposal in the speech at the bar of the House of Lords." The only proposal we have ever made was not first made, as your Lordship will remember, to the House of Lords, but was contained in a letter sent by us to Lord Salisbury, after an interview with him and your Lordship; and our statement at the bar of the House of Lords was merely to the effect that we had made such proposal to Her Majesty's Government. On the very eve of the making of our address at the bar of the Lords, the Right Honourable the Prime Minister sent a reply in which he declared "it is not possible for us now *under any circumstances* to withdraw the Bill " which has been introduced into Parliament." Having regard to the fact (1) that our proposal was for several days before Her Majesty's Government, and rejected, (2) that after being repeated at the bar of the Lords and several days given for consideration, it was accepted, and (3) that the meaning of the proposal was not questioned during all that time, we apprehend that we were fully justified in regarding the declarations of Her Majesty's Government in the House of Lords as applying only to that temporary measure which our language unequivocally pointed to as a preliminary enactment.

(3.) We note with regret your Lordship's declaration that Her Majesty's Government will accept nothing but a permanent Bill similar to the Bill now before the House of Lords. Such a Bill we could not recommend the enactment of to the Legislature of the Colony, for by such an enactment the Legislature would merely be casting upon the Colony the duty of obeying a law at once odious and unjust, and tainted with a harshness wholly indefensible under the circumstances. If our fellow colonists must submit to coercion, it must be the coercion of a power they cannot control, and not to that of a Legislature every member of which is deeply sensible of the oppressive character of the measure which Her Majesty's Government now appears to regard as indispensable. Laws framed upon British principles our fellow colonists would be bound in conscience to obey, but laws framed in disregard of those principles, after the Colony has proven its willingness to abide by laws enforced in the ordinary manner, will not be considered binding upon their consciences, nor be capable of enforcement. If Her Majesty's Government would have regard to the extent of the coast line to be guarded (almost 700 miles) they would appreciate the fact that almost any law enacted in the Colonial Legislature would more efficiently guarantee good order than the strictest and harshest measure which the British Parliament could enact.

(4.) The course which Her Majesty's Government has deemed it wise to adopt has already had most serious results in the Colony. Before the second reading of the Bill in the House of Lords we urged that it should be deferred, but our request was refused. Before the Bill was committed, we again urged that further progress be deferred, and again our request was refused. The knowledge of these repeated refusals has so excited public feeling in the Colony that conciliatory action has been greatly imperilled. The proposal which we have made, and which when made it would have been possible to procure the adoption of by the Legislature without great friction, if it had been promptly and frankly accepted, has only been approved of after the most earnest requests by us. Those requests *have* been complied with, however, and we have the honour to enclose herewith a copy of a resolution adopted on Saturday night last by both Houses of the Legislature. This confirmation of our proposal conclusively

* No. 9.

proves how unfounded were the doubts expressed by Her Majesty's Government as to our ability to procure the fulfilment of our promises, and should remove that ground of objection to the adoption of our proposal.

We have, &c.,
(Signed) THE NEWFOUNDLAND DELEGATES.

Enclosure in No. 12.

The following is the resolution adopted by both branches of the Legislature:—

Resolved—That this Legislature will adopt such legislation as may be necessary to carry into effect the proposals made to the Imperial Government and Parliament by the Delegates.

FRANCE. No. 2 (1891).

FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES:

1890-91.

*Presented to both Houses of Parliament by Command of Her Majesty.
March 1891.*

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Further Correspondence respecting the Newfoundland Fisheries.

No. 1.

The Earl of Lytton to the Marquis of Salisbury.—(Received June 6.)

My Lord,

Paris, June 5, 1890.

M. RIBOT repeated to me yesterday that he had no recent information from Newfoundland.

He expressed confidence in the possibility of arriving at a final settlement of the Fishery question on terms satisfactory to England and France, but said that France could not take the initiative in making proposals for such settlement, nor expect Her Majesty's Government to do so until after consultation with the Representatives of the Newfoundland Government, who, he understood, had not yet arrived in England.

I have, &c.
(Signed) LYTTON.

No. 2.

Admiralty to Foreign Office.—(Received June 12.)

Sir,

Admiralty, June 10, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of Her Majesty's ship "Emerald," together with copies of its inclosures, respecting the proceedings of that ship, the "Pelican," and the "Forward," with regard to the protection of the Newfoundland fisheries.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 2.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir,

"Emerald," at St. John's, May 21, 1890.

I HAVE the honour to report that I left Halifax on the 13th instant, and arrived at this port on the 16th instant. Thick fog was experienced throughout the passage.

2. Her Majesty's ship "Pelican," with the torpedo-boat, left Halifax on the 12th instant, and is now at St. George's Bay, with torpedo-boat, and will proceed to Port Saunders as soon as the state of the ice permits.

3. Her Majesty's ship "Forward" left Halifax on the 12th instant, and arrived here yesterday, having visited St. Pierre and Fortune Bay *en route*. She will remain here until the ice has cleared away sufficiently to enable her to proceed to her station on the east coast, probably about the middle of June.

4. May 22.—I have this day received a telegram from Commodore Maréchal announcing his arrival at St. Pierre, and informing me that he will meet me at Port Saunders about the end of this month. I shall therefore leave here on Monday morning, the 26th instant, and shall proceed to the west coast for this purpose.

5. I have telegraphed to the "Pelican" to visit the different ports forthwith, to obtain full information as to the position, &c., of the new lobster factories, and then to meet me at Port Saunders, leaving the torpedo-boat to proceed up the coast by herself.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 2.

*Sailing Orders.**"Emerald," at Halifax, May 11, 1890.*

HER Majesty's ship under your command being in all respects prepared and ready for sea, you will proceed at daylight on Monday morning with torpedo-boat No. 62 in company. You will convoy her to Port Saunders, and there you will land her spare gear, &c., and establish a depôt of coals and provisions sufficient to last her until the beginning of June.

2. At Brig Bay a small quantity of coals and provisions for the torpedo-boat is to be landed at the English factory.

3. Having made the necessary arrangements for the boat, and selected a suitable site for the coal depôt at Port Saunders, you will carefully inspect the whole of the west coast, ascertaining the positions of the lobster factories established since July 1889, and all particulars relative to them. Should any of these be working, one of the inclosed Notices is to be given to the manager, and he is to be warned that he must desist from any further exercise of his industry unless he receives the necessary permission from the Senior Naval British Officer.

4. As the Return for 1889 is not complete, all particulars necessary to complete it are to be obtained and given to me on meeting.

5. As disputes are likely to arise between the French and British fishermen with reference to the ground to be occupied by their lobster-trawls, if necessary a temporary allotment is to be made until a final settlement is arranged between the French Commodore and myself.

6. In making these temporary allotments, the grounds occupied at the commencement of last season by the respective fishermen are to be adhered to as much as possible, but in every case the French and British managers must be made to understand that your decision is only a temporary one until the Senior Officers shall have had time to decide.

7. No interference with the French fishing rights conferred by Treaty is to be allowed, and British lobster-traps, even on grounds already allotted to them, must be raised during the time the French are desirous of actually occupying the waters, but the traps so raised may be replaced as soon as the waters are vacated.

8. Cod-traps are illegal, and their owners are to be informed that they must lift them.

9. By Article 15 of the Instructions, the interference with British property by foreign naval officers is illegal, and, should any case arise, you are to send a written remonstrance to the officer so acting, and report to me the details immediately.

10. Before leaving any port your destination and probable movements should be made known on shore, word being left at the different factories to prevent any plea for such action.

11. The French have no right to fish in or bar any rivers. If any case arises you will, on meeting a French man-of-war, request the Captain to have these practices stopped, and forward a report to me at once.

12. In dealing with all questions arising between British and French fishermen you are to act with great patience and discretion, especially those affecting the lobster industry, and the allotment of fishing grounds under the *modus vivendi* arranged between Her Majesty and the French Government, and you will endeavour as far as possible to allay the feeling which at present exists.

13. Your next mail will be sent by coastal steamer to Bonne Bay, and is due there about the 30th instant.

(Signed)

B. W. WALKER,
Captain and Senior Officer.

To Commander Daniel W. N. Riddell,
Her Majesty's ship "Pelican."

Inclosure 3 in No. 2.

Notice.

I HEREBY give notice that by the arrangement come to between Her Britannic Majesty's Government and the French Government no lobster factory not in operation

on the 1st July, 1889, shall be permitted, unless by the joint consent of the British and French Senior Naval Officers.

Under these circumstances, I must request you to immediately cease all operations unless you shall hereafter receive the necessary permission.

This Notice applies only to the present season.

"Emerald," at Halifax, May 10, 1890.

(Signed)

B. W. WALKER,
Captain and Senior Officer.

Inclosure 4 in No. 2.

Sailing Orders.

"Emerald," at Halifax, May 11, 1890.

HER Majesty's ship under your command being in all respects prepared and ready for sea, you are to proceed to St. John's on Monday, the 12th May, at noon, calling at St. Pierre and visiting Fortune Bay on your way.

At St. Pierre you will deliver the inclosed letter for the French Commodore to the French Senior Naval Officer, ascertaining, if possible, the Commodore's movements, and informing me of them by telegraph from Fortune Bay.

Your visit to Fortune Bay is to be entirely confined to observing the state of affairs with reference to the *modus vivendi* passed by the Newfoundland Government during the suspension of the Bait Bill, and you will take no part in the enforcement of these acts during your visit. A Report on this subject is to be forwarded to me on your arrival at St. John's.

The above service is to be performed with dispatch, and your stay at St. Pierre and at Fortune Bay is to be as short as is compatible with the duties you have to perform at those places.

(Signed)

B. W. WALKER,
Captain and Senior Officer.

Lieutenant-Commander Gray,
Her Majesty's ship "Forward."

Inclosure 5 in No. 2.

Lieutenant-Commander Gray to Captain Sir B. Walker.

Sir,

"Forward," at St. John's, May 20, 1890.

I HAVE the honour to report my arrival at St. John's this day, in obedience to your orders dated the 11th May, 1890.

2. On the morning of the 15th instant I was compelled to anchor in South-West Bay, Miquelon, owing to the dense fog which had prevailed for the previous forty-eight hours, and which continued until the afternoon of the 17th, when I proceeded into St. Pierre Roads.

3. There were no French men-of-war there, but the Governor informed me that he was daily expecting the Senior Officer in "La Pérouse" to arrive from France, as he was to have left on the 1st May; also that the "Indre" had gone to St. George's Bay, and the "Bisson" was expected to arrive soon from West Indies.

4. I left St. Pierre at daylight on the 18th, anchored off Fortune for a couple of hours in the forenoon, and then proceeded to Belleram, where I remained for the night.

5. I called at Harbour Briton the following morning, and left for St. John's at 10.30 A.M., since when I have experienced very fine weather, with fog, since rounding Cape Race.

6. Inclosed Report* is the result of my observations and inquiries at those ports I touched at in Fortune Bay on the working of the present Newfoundland Laws as to bait.

I have, &c.

(Signed)

S. W. A. H. GRAY.

No. 3.

Colonial Office to Foreign Office.—(Received June 17.)

(Extract.)

Downing Street, June 16, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor, forwarding a Petition addressed to the Queen and bearing some 12,000 signatures, upon the subject of the French rights of fishery on the coasts of Newfoundland, and protesting against the *modus vivendi* recently agreed to with the French Government for this season in respect of the lobster fisheries.

Inclosure 1 in No. 3.

Governor Sir T. O'Brien to Lord Knutsford.

*Government House, St. John's, Newfoundland,
May 27, 1890.*

My Lord,

I HAVE the honour to forward, for submission to Her Majesty, a Petition, attached to which are some 12,000 signatures, obtained from various parts of the island, which has been presented to me this day by a deputation.

2. Having now received your Lordship's permission to publish the correspondence, which is now in the printer's hands, I took occasion to inform the deputation that they would in a few days find that it is impossible to have the case of Newfoundland more strongly supported than it is by Her Majesty's Government, but that, as they, as business men, must be aware, there are always two parties to a contract, whose consent to its cancelment or alteration must be obtained, they must not expect impossibilities, for however strong the views of Newfoundland or of England might be on the subject, it did not at all follow that France could be got to see them in the same light.

3. I have already kept you, my Lord, from time to time so fully informed of the excitement that has been created in this matter that I shall not repeat myself, but would only add that, through the agitation that has been got up, the feeling against the French and the Treaty restrictions is greater now than perhaps it has ever been in the annals of Newfoundland.

4. I am informed that, as all the lists have not yet been received, some 3,000 or 4,000 more signatures are likely to be sent in later on.

I have, &c.
(Signed) T. O'BRIEN.

Inclosure 2 in No. 3.

Petition.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

THE Petition of the undersigned inhabitants of the Colony of Newfoundland humbly sheweth:

That your petitioners have heard, with indignation and alarm, of the arrangement, called a *modus vivendi*, recently concluded between the Governments of Great Britain and France in relation to the prosecution of the business of catching and preserving lobsters on those parts of the coasts of this Colony upon which the French have certain Treaty rights of fishery.

That the negotiations leading to the adoption of the said arrangement were commenced and carried on, and the arrangement itself concluded, without the consent, and even without the knowledge, of the community or Legislature of this Colony.

That your petitioners hold that it is a fundamental principle of responsible government that the people shall be directly, or through their Representatives in Parliament

assembled, consulted concerning all matters appertaining to their government, and more especially to their territorial and maritime rights.

That the application of this Constitutional principle to this Colony has been especially guaranteed by your Majesty's Government in a despatch bearing date the 26th day of March, A.D. 1857, wherein it is stated that "the rights enjoyed by the community of Newfoundland are not to be ceded or exchanged without their consent, and that the Constitutional mode of submitting measures for that consent is by laying them before the Colonial Legislature," and "that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

That your petitioners humbly submit that the making of the said arrangement without the knowledge and consent of the community or Legislature was a violation of our Constitutional rights, and of the particular engagement which your Majesty's Government voluntarily made; and against this violation we desire to offer our most earnest protest.

That your petitioners further humbly contend that the claims put forward by the French (1) to catch and preserve lobsters, (2) to erect lobster factories, and (3) to exclude our people from the prosecution of that industry on the parts of our coasts in question, are utterly without foundation.

That the exercise of such claims involves, in its consequences, not only directly the deprivation of our people of a valuable maritime industry, but also indirectly the settlement of a new French population with a permanent footing upon our soil, the locking up of the territorial resources of the Colony, the extinction of valuable industries and sources of wealth, and the virtual transfer of sovereignty of soil to a foreign Power.

That for these reasons your petitioners would respectfully but emphatically protest against the said arrangement, and would submit that the claims now set up by the French in relation to the lobster industry should be met by an absolute and unqualified denial.

That to provide the people of this Colony with a means of livelihood, and to stay the tide of emigration from our shores, it is necessary to procure the speedy development of the natural resources of the interior.

That railways which have been projected in order to promote the development of these resources, and necessary thereto, will entail great burdens upon the people of the Colony.

That that portion of the island upon the coasts of which the French have certain Treaty rights of fishery is rich in agriculture, mining, and lumbering capabilities.

That the fishery rights and the claims of the French are enforced in such a manner as to prevent the development of those great resources by the inhabitants of the Colony, grants of land and minerals being made "subject to French Treaty rights," whereby capitalists are deterred from investing.

That the presence of French fishermen upon our coasts, and their denial of our concurrent right to fish for cod, and of our exclusive right to take lobsters, give cause for constant quarrels in the fishing season, and much oppress our fishermen.

That for these reasons it is absolutely indispensable to the prosperity of this Colony and its inhabitants that the rights and claims of the French upon our coasts should be entirely removed.

That the Treaties under which the French have rights and set up claims were undeniably framed more than a century ago, solely with a regard for the exigencies of the British nation, and without contemplating the condition of affairs which time has brought about in this Colony; and therefore your petitioners respectfully contend that it is the duty of the British nation to relieve us of the burden placed upon the Colony so many years ago, and under which we have so long suffered.

That your petitioners submit that no arrangement should be entered into between the British Government and that of France which does not have as a basis that French claims to territorial or maritime rights in this Colony are to be totally extinguished.

Your petitioners therefore humbly pray that your Majesty will take their case into your earnest and favourable consideration, and adopt such measures as in your wisdom may be deemed most effective for the preservation of the rights and interests and the promotion of the welfare of this Colony in so far as they are affected by the matters herein referred to.

And your petitioners, as in duty bound, will ever pray.

(Signatures follow.)

No. 4.

Colonial Office to Foreign Office.—(Received June 17.)

Sir,

Downing Street, June 16, 1890.

WITH reference to my letter of the 9th ultimo, relating to the proposed repeal by the Newfoundland Legislature of the Act of 1888 for the abolition of cod-traps, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter which was addressed to the Admiralty from this Department on the 3rd instant, together with copies of two letters which have been received in reply, showing the instructions which have been given to the naval officers on this subject.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 4.

Colonial Office to Admiralty.

Sir,

Downing Street, June 3, 1890.

WITH reference to the 3rd paragraph of the letter from this Department of the 18th March, 1889, I am directed by Lord Knutsford to acquaint you, for the information of the Lords Commissioners of the Admiralty, that a Bill has just been passed by the Legislature of Newfoundland repealing the Act, cap. 8, of 1888, for the abolition of cod-traps, but that the Governor has been instructed not to assent to it, and has accordingly refused his assent.

The Act of 1888, therefore, remains in force, and the use of cod-traps will under it be illegal from the 9th ultimo.

Lord Knutsford suggests that the British naval officers should be instructed that the use of cod-traps upon the shore where the French have fishing rights is illegal under the Act of 1888, and that such traps should be removed whenever they can be considered as likely to give legitimate ground of complaint by direct or indirect interference with their fishery.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 2 in No. 4.

Admiralty to Colonial Office.

Sir,

Admiralty, June 7, 1890.

WITH reference to your letter of the 3rd instant, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to Lord Knutsford that a telegram has been sent to the Commander-in-chief on the North America and West Indies Station, informing him that he is to consider the Act of 1888 abolishing cod-traps to be still in force, and that the Governor of Newfoundland had been instructed to refuse assent to a Bill repealing the Act.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 3 in No. 4.

Admiralty to Colonial Office.

Sir,

Admiralty, June 10, 1890.

WITH reference to my letter of the 7th instant in reply to the Colonial Office letter of the 3rd June respecting cod-traps, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to Lord Knutsford that a further telegram has been sent to the Commander-in-chief on the North American and West Indian Station, directing him to inform the Commanding Officer of Her Majesty's ship "Emerald" that cod-traps should be removed whenever they can be considered as likely to give

legitimate cause of complaint by direct or indirect interference with French fisheries in Newfoundland.

I am, &c.
(Signed) EVAN MACGREGOR.

No. 5.

Lord Knutsford to Governor Sir T. O'Brien.

Sir,

Downing Street, June 24, 1890.

I HAVE the honour to acknowledge the receipt of your despatch of the 27th ultimo, inclosing a Petition to the Queen, signed by some 12,000 inhabitants of Newfoundland, protesting against the *modus vivendi* recently agreed upon, for this season only, between the British and French Governments in respect of the establishment of lobster factories on that part of the coast of Newfoundland on which the French have certain fishery rights.

The Petition commences by an expression of the indignation and alarm with which the petitioners have heard of this *modus vivendi*. It states that the negotiations leading to the adoption of the said arrangement were commenced and carried on, and the arrangement itself concluded, without the consent, and even without the knowledge, of the community and Legislature of the Colony, and expresses the views of the petitioners to the effect that it is a fundamental principle of responsible government that the people should be consulted, directly or through their Representatives in Parliament assembled, concerning all matters appertaining to their government, and more especially to their territorial and maritime rights.

The petitioners do not here notice the fact that the *modus vivendi* referred to is of a strictly temporary character, its operation being expressly limited to the current fishing season only, neither is any notice taken of the fact that the Colonial Government was consulted as to the terms, which were to some extent modified in order to meet their views. It was, however, necessary to conclude this merely temporary arrangement without referring it to the Colonial Government in its final shape.

This act on the part of Her Majesty's Government does not appear to them to have involved any departure from the principles laid down in the despatch from the Secretary of State (the late Lord Taunton, then Mr. Labouchere) of the 26th March, 1857, referred to by the petitioners, of which the following is the actual wording, viz., that "the rights enjoyed by the community in Newfoundland are not to be ceded or exchanged without their consent, and that the Constitutional mode of submitting measures for that consent is by laying them before the Colonial Legislature; and that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial and maritime rights."

The *modus vivendi* does not cede or exchange any right enjoyed by the inhabitants of Newfoundland, neither does it involve any modification of their territorial or maritime rights.

Any right which British subjects have to erect lobster factories on the shores affected by the Treaties and Declarations concerning the fisheries, although its exercise may be temporarily suspended, is not surrendered or prejudiced by the *modus vivendi*, the first sentence of which contains a statement to the effect that the questions of principle and of respective rights are entirely reserved on both sides.

From the correspondence which has passed with the Government of France, which it is believed has now been published in the Colony, it will be seen that Her Majesty's Government have constantly denied the right of the French to catch and preserve lobsters or to erect lobster factories, and have always maintained the right of British subjects to fish in the waters of Newfoundland; and the correspondence shows the remonstrances which have been addressed to the French Government on the subject of interference with such right.

But it is right that the petitioners should understand that the question of the proper interpretation of the Treaties in regard to this question is open to argument, and that it is difficult for Her Majesty's Government to insist on the suppression of those French factories which may be considered as manifestly in excess of the privileges granted by Treaty whilst British factories are maintained which the French Government contend to be contrary to the engagements contracted by England.

Her Majesty's Government, however, trust that, after the arrival in this country of

the Premier of the Colonial Government, who Her Majesty's Government hope will shortly arrive in England, negotiations may be initiated which may end in a satisfactory understanding between the two Governments, and meet with the concurrence of the people of Newfoundland. Her Majesty's Government would wish for nothing better than that those negotiations should lead to the termination of a state of affairs which undoubtedly presents obstacles to the advance and prosperity of the Colony.

You will assure the petitioners that Her Majesty's Government are quite alive to the disadvantages under which the people of Newfoundland labour owing to the existence of the ancient Treaties and engagements relating to the fisheries, and that they will do their best to give effect to the reasonable wishes of the colonists; but it must be remembered that Her Majesty's Government cannot force upon a friendly Power the renunciation of Treaty rights, nor compel the acceptance of an interpretation of those rights which Her Majesty's Government uphold, but which is at direct variance with the interpretation upheld by the other Power.

Her Majesty's Government feel confident that in these circumstances, and after full opportunity has been afforded of studying the correspondence which will shortly be laid before the Imperial Parliament, the people of Newfoundland will admit the difficulties which have surrounded the Fishery question, and will recognize that the conclusion, for this season only, of a *modus vivendi*, such as has been agreed upon, was the best course which was open to Her Majesty's Government both to avert possible collisions on the coasts of the Colony, and to give time for arriving, with the Government of France, at a solution of the question which may be more in the character of a permanent and, it is hoped, satisfactory settlement.

You will be so good as to apprise the petitioners of this answer to their Petition, and you will inform them, at the same time, that their Petition has been laid before the Queen, who was pleased to receive it very graciously.

I have, &c.
(Signed) KNUTSFORD.

No. 6.

Colonial Office to Foreign Office.—(Received June 27.)

Sir,

Downing Street, June 26, 1890.

WITH reference to the reports which appeared in the press as to the alleged landing of a French armed force at St. George's Bay in Newfoundland, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of two despatches on the subject of these reports which have been received from the Governor of the Colony.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 6.

Governor Sir T. O'Brien to Lord Knutsford.

*Government House, St. John's, Newfoundland,
June 9, 1890.*

(Extract.)

WITH reference to the reported occurrences on the western coast of this island, I have now the honour to forward, for your Lordship's information, copy of a letter from Captain Sir Baldwin Walker, commanding Her Majesty's ship "Emerald."

Inclosure 2 in No. 6.

Captain Sir B. Walker to Governor Sir T. O'Brien.

Sir,

"Emerald," at St. George's Bay, June 1, 1890.

I HAVE the honour to bring to your Excellency's notice the following:—

On the afternoon of my arrival at St. George's Bay a deputation came on board to interview me, and left a copy of Resolutions passed at a public meeting on the 24th May.

The wording of the 4th Resolution, the prohibition to set their herring-nets, "thus ruining our voyage and depriving us of our principal means of subsistence," would lead any one not acquainted with the facts to the conclusion that the prohibition was general, and also that the herring were being taken in quantities, whereas neither were the case.

The nets which were requested to be lifted on the evening of the 22nd were few in number (about twenty-eight), they were up only twenty-four hours, and at the time of lifting hardly any herring had been taken in them—about five barrels in forty nets.

The 300 yards under prohibition were necessary for the French seining operations, and this was really in the end beneficial to the inhabitants, as it enabled the French bankers, twelve in number, to get their bait and leave the whole bay free when the herring did really strike in.

This occurred about the 26th May, when the herring first meshed, though a few hauls had been made on the 23rd and 24th, principally with seines, but the herring were not plentiful till the 29th, when the fishery was in full operation. The catch, so far, has been extremely good, and should the present promise continue the take will be above the average. From the above it will be seen that the statements with reference to ruining their voyage and the deprivation of their principal means of subsistence was, even at that time, premature, to say the least of it, and, as events have since proved, was false.

As to Resolution No. 5, as I informed the deputation, the action they were taking was that of a highwayman. They required the British Government to force France to give up just rights under Treaty (ones which they acknowledged she had not in this case abused), and also to give them compensation, the penalty in case of non-compliance being the repudiation of all law. These Resolutions were, I may add, seconded by a Justice of the Peace.

The Secretary to the meeting and, as I understand, the framer of the Resolutions was Dr. Howley, who had arrived from Channel the evening before, and was really quite unacquainted with the facts, except by hearsay from a people then under great excitement, for the following reasons:—

The herring this season were so very late (as far as I can ascertain later than even 1883, one of the latest years) in striking in, that the inhabitants were of the opinion that they had deserted the bay, owing to their having been so much disturbed since the Bait Act; hence they were under the impression that their chance of a catch was lost with the ordering up of the nets. Had the influence of Dr. Howley been used to postpone the meeting until the excitement had calmed down, it would have given time to prove how groundless the fears of the inhabitants were that the herring had deserted the bay, and consequently these statements would not, in all probability, have been made. Though false, I am of opinion that at the time they really believed what they said.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 3 in No. 6.

Resolutions passed at a Public Meeting held at Sandy Point, Bay St. George, West Newfoundland, on the 24th May, 1890.

WHEREAS we, the inhabitants of the west coast of Newfoundland, are loyal and law-abiding British subjects, dwelling peacefully upon a territory which has been declared by Treaty to be a British Colony; and

Whereas the Newfoundland Government, with the consent of Great Britain, has recognized our settlement upon this coast by the regular establishment of police and Customs officers, by the appointment of Magistrates, and the exercise of jurisdiction by the Supreme Court of Newfoundland, and by the concession to us of the electoral franchise, thus acknowledging us as lawful citizens legally established here, and not as outlaws intruding at our own peril and contrary to Treaty rights; and

Whereas we, trusting in the *bond fide* declarations of the Newfoundland Government in this matter, have invested large capital in commerce and other business enterprises on this shore, and have peaceably submitted to the restrictions of all legal enactments, have paid all fines, duties, taxes, or exactions whatsoever, the same as are levied on the inhabitants of the other parts of the Island of Newfoundland; and

Whereas we are now prohibited by the French man-of-war from setting our herring-nets, thus ruining our voyage and depriving us of our principal means of subsistence, and as we cannot receive any redress, protection, or compensation, either from the British ships of war cruising on the coast, or from the Officer placed on this shore by the Newfoundland Government; be it therefore

Resolved that we do from this moment forward absolutely refuse to pay any duties to the Customs officers established by the Newfoundland Government on this shore, or to allow their officials to interfere with us in landing goods, until such time as we receive due protection in the exercise of our industries and compensation for the losses we have suffered; and

Resolved, that we communicate the steps taken by us to-day to all settlements on the so-called French Shore, and call upon the people to unite with us in making a determined stand until this vexed question is satisfactorily settled and just rights fully recognized and secured to us; and

Resolved, that these Resolutions be published in the St. John's and Halifax newspapers, and a copy of the same be sent to Governor, St. John's, and to the Secretary of State for the Colonies.

(Signed) NATHANIEL BUTT, *Chairman.*
M. F. HOWLEY, *Secretary.*

Inclosure 4 in No. 6.

The Magistrate, St. George's Bay, to the Attorney-General, St. John's.

(Telegraphic.)

June 2, 1890.

NO French armed force landed; an officer, with one man, came to strand in a dory, giving notice to inhabitants to remove nets from cove; officer had on sword; got on wharf to read Notice.

Inclosure 5 in No. 6.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
June 10, 1890.

(Extract.)

IN continuation of my despatch of yesterday's date, I have the honour to inclose copy of a letter to the Attorney-General from Mr. Dwyer, Stipendiary Magistrate at St. George's Bay, who appears to have acted very well under the circumstances.

Inclosure 6 in No. 6.

The Magistrate, St. George's Bay, to the Attorney-General, St. John's.

Sir,

Sandy Point, St. George's Bay, May 29, 1890.

ON the 21st instant herring struck in shoal water, though not in great quantity, just enough to warn our fishermen of the near approach of the main schule, consequently some nets were put out in places most likely for taking of herring; there were at the time a few French fishing vessels looking for herring and were using seines; they grumbled, and did not like our people placing nets where seines could be worked.

On the 22nd a steam-launch from "Indre" came near the shore and an officer with one man landed on the strand in a dory, there being a number of inhabitants on a wharf near by; the officer got up on wharf and read a Notice from Commander "Indre," ordering all nets set in certain places (to which he pointed) to be taken up by 8 A.M. 23rd, or the French would remove them; the people obeyed order and set them elsewhere; the officer was in full uniform with side-arms, *i.e.*, sword on; Her Majesty's ship "Pelican" was not here; excitement ran high for a while; there being so few French here the people considered it unreasonably harsh on the part of the French Commander.

On the 24th a public meeting was held when Resolutions were passed ignoring

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all authority, pay no taxes, not act as tidewaiters, and suffer imprisonment before serving as specials! in fact a revolutionary movement, and an embryo Republic established. I did not feel alarmed, and told them that if they attempted to carry their "Resolution" into effect, that we would first carry out the law, and then the Government may likely consider their claims for compensation, and that their Resolutions meant "rebellion or a farce." I did not consider the matter worthy of more extended remarks than I sent you by telegram; this question of duties is a chronic one, comes in nearly with the herring schule since the Bait Act. At all events since the main schule of herring struck in, the people have no one to interfere with them this year.

Some American schooners were here and purchased bait. The collector it appears, through advice of Sir B. Walker, let them off without paying for a licence; the Canadians paid.

I think the herring voyage will turn out fairly well, though it is late. I have not a copy of Resolutions to send: I understand Sir B. Walker is furnished with one.

I have, &c.
(Signed) M. S. DWYER, J.P.

No. 7.

Colonial Office to Foreign Office.—(Received June 28.)

Sir, *Downing Street, June 27, 1890.*
WITH reference to the answer given yesterday in the House of Commons to Mr. Redmond's question respecting reported disturbances at Port-à-Port in Newfoundland, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a further telegram received from the Governor of Newfoundland on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 7.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) *(Received June 27, 1890.)*
MAGISTRATE, St. George's, reports by telegram as follows:—
"On report of disturbances at Port-à-Port 'Emerald' proceeded to investigate; found that there was no truth in it; reported burning unoccupied factory also untrue; cold night, French made fire there, doing no damage."

No. 8.

The Earl of Lytton to the Marquis of Salisbury.—(Received July 7.)

My Lord, *Paris, July 5, 1890.*
I HAVE the honour to report that the Bill for prolonging the grant of fishery bounties to the 30th June, 1901, was passed to-day by the Chamber of Deputies.
I have, &c.
(Signed) LYTTON.

No. 9.

Admiralty to Foreign Office.—(Received July 10.)

(Extract.) *Admiralty, July 8, 1890.*
WITH reference to my letter of the 10th ultimo on the subject of the Newfoundland Fisheries, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, a copy of the Report on the working of Newfoundland Bait Laws alluded to in paragraph 6 of Lieutenant Gray's letter, inclosed in my communication of the 10th June.

Inclosure 1 in No. 9.

Captain Sir B. Walker to Admiralty.

(Extract.)

"Emerald," at Bonne Bay, June 16, 1890.

I HAVE the honour to forward herewith the Report by Lieutenant-Commander Gray, Her Majesty's ship "Forward," on the working of the Newfoundland Bait Laws.

Inclosure 2 in No. 9.

Lieutenant Gray to Captain Sir B. Walker.

Sir,

"Forward," at St John's, May 20, 1890.

IN obedience to your orders, I have the honour to report the result of my observations in Fortune Bay on the state of affairs with reference to the present Bait Laws of Newfoundland.

2. The places visited were Fortune on the south side, Belloram and Harbour Briton on the north.

3. I was told the herring are as plentiful and fine as in previous years (usually frequenting the north side of the bay more than the south), but only about a dozen French craft had baited at each place, whereas in former years they had done so in great numbers. American and French (*i.e.*, not Newfoundland) vessels had not sensibly diminished, but it was generally believed few would return this year to bait a second and third time, owing to the necessity for a new licence each trip. General complaint was made that the present law favoured these latter more so than last year, and acted adversely to the smaller native craft, because the large vessels can take more than is necessary for their own use and dispose of the surplus at St. Pierre, whereas the smaller bankers, many of the old craft for export of bait, cannot make it pay, because they, being a small number of tons, are not allowed to carry sufficient bait to make a long enough stay on the Banks.

For instance, 50 barrels of bait are ample for the largest fishing-vessel. The law allows 1 barrel per ton. A vessel of 100 tons, having paid for her licence, takes 100 barrels (generally manages more), the price she gets in St. Pierre in the spring season for all she does not require herself more than covering the cost of the licence. The seizure of an American schooner lately was on account of this, she being of 90 tons and having on board about 240 barrels.

The Act seems to be rigorously enforced, but even then a great deal of smuggling takes place.

4. At Belloram complaints were made that no Proclamation had been posted up (I did not see any there or at Fortune, although I walked about those villages), so that many of the fishermen did not know what was the law, several being frightened into giving up fishing by their neighbours being arrested for what, at the time, they believed to be legal.

It was also stated that great difficulty was experienced in getting a licence granted.

5. It seems certain that the French have got all the bait they want without visiting Fortune Bay in any great numbers, like they used to do, and thus the majority of the fishermen are deprived of their former means of support, though some have found employment in the lobster fishing, several new factories having been erected lately.

6. All seem to agree that since the passing of the Bait Acts the prosperity of place has departed, many of the younger people are leaving for other countries, and altogether a feeling of discontent seems to prevail that might lead to serious disturbances at any time.

7. In conclusion, I may add that at St. Pierre there were about a dozen brigantines and some fifty or sixty schooners; few hoisted colours, but those that did were French.

I have, &c.

(Signed) S. W. A. H. GRAY.

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No. 10.

Admiralty to Foreign Office.—(Received July 10.)

Sir,

Admiralty, July 8, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of Her Majesty's ship "Emerald," dated the 6th ultimo, on the subject of the Newfoundland fisheries.

I am, &c.

(Signed)

EVAN MACGREGOR.

Inclosure 1 in No. 10.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir,

"Emerald," at Port Saunders, June 6, 1890.

THE accompanying telegram having been communicated to me by his Excellency the Governor of Newfoundland from the Secretary of State for the Colonies, asking for a report on the subject by telegraph, I have the honour to forward particulars of the circumstances alluded to.

2. On my arrival at St. George's Bay on the morning of the 28th ultimo I received a communication from the Rev. M. F. Howley, requesting me to receive a deputation from the inhabitants on matters of vital importance to them.

3. I acceded to the request, and by appointment, at 3.30 P.M., the deputation was received by me on board the "Emerald."

A copy of Resolutions passed at a public meeting convened on the 24th May* was given me, and they proceeded to state their case. In addition to the grievances there set forth, they informed me that Sir James Fergusson, in reply to a question in the House of Commons relative to Newfoundland, had answered, with a sneer, that the question had been going on for 200 years without any disturbance, and that as long as matters continued to go on peacefully nothing would be done.

Also that they had received no information as to the *modus vivendi* until the notices were served on them by Her Majesty's ship "Pelican," and that they had spent large sums of money in building and fitting the factories, with the intention of working them this year.

4. On my pointing out to them that the Resolutions were of a revolutionary character, and asking them why they did not lay their grievances before their Government in a Constitutional manner, their answer was to the effect that they had sent in Petitions, &c., time after time, and no notice had been taken, and that, having only two Members for the whole of the Treaty shore in the House of Assembly, they were powerless to enforce their claims being considered; they also mentioned that they wished to strengthen the hands of the delegates now in England, and that they considered some action of the sort necessary after Sir James Fergusson's answer in the House of Commons. They also asked me if I would use force to compel the payment of duties.

5. With reference to the question of the French landing armed marines and removing nets of the inhabitants, I would remark that no such occurrence took place. On the evening of the 22nd ultimo the Captain of the "Indre" sent an officer to request the removal of nets from a certain portion of the shore where the French were desirous of seining; these were removed by their owners. The deputation had no other complaint to make as far as French actions were concerned, and admitted that even in this they were well within their Treaty rights.

6. The wording of the fourth Resolution is such that any one unacquainted with the subject would suppose that the prohibition was general, and that the herring were being taken in quantity, whereas the facts are as follows:—

The prohibition only extended to about 300 yards of the shore; between forty and forty-five nets were out at this particular spot; of these, it was necessary to lift about twenty-eight. The nets were up some twenty-four hours, and were set again before the meeting was held. The herring had not really struck in at the time, and very few had been taken at all (about five barrels for the forty or forty-five nets), but the people at the time, owing to the very late date before the herring made their appearance, were under the impression that they had deserted the bay in consequence of their having been so much

* See Inclosure 3 in No. 6.

disturbed by the seines since the passing of the Bait Act, hence they thought that a portion of the catch might be lost with the ordering up of these nets.

The prohibition was really, in the end, beneficial to the inhabitants, as it allowed the French Bankers, of which there were only twelve, to obtain their bait and leave the bay before the fishery really commenced. The inhabitants by arrangement among themselves do not use seines, and the herring at this time were not being taken in nets except in very small numbers.

7. The herring first made their appearance about the 21st, but they did not strike in to mesh before the 26th, though a few hauls were made on the 23rd and 24th (the herring fishery was over last year at this date, all the nets being up), it was not till the 29th that they were plentiful.

Up to the time of my leaving St. George's Bay, on the evening of the 1st June, the catch had been most abundant, and should the promise continue there is every likelihood of the catch being one of the largest during the past seven years.

The herring had only commenced to spawn, and will continue in the bay for a fortnight longer; it will thus be seen that their assertion that their voyage was ruined, and that they were deprived of their principal means of subsistence, was premature, to say the least of it, and, as events have since proved, was false.

In conversation I have had with Commodore Maréchal on the subject he informed me that when the Captain of the "Indre" heard of the meeting he had spoken to the Rev. M. F. Howley on the subject, expressing his surprise that the request for the removal of so few nets should have such disastrous effects on their catch. He was then informed that in all probability it would not be so bad, but they must take the opportunity it afforded of bringing the matter before the public.

I may add that the Secretary of the meeting, and, as I understand, the framer of the Resolutions, was the Rev. M. F. Howley, who had only arrived from Channel the evening before, and was therefore unacquainted with the facts of the case, except by hearsay from a people then under great excitement. Had his influence been used to calm this ebullition and postpone the meeting, it would have given time to prove how groundless were the fears of the inhabitants, and in all probability these statements would not have been made.

8. This year there are, as far as I can ascertain, no less than twenty-three new lobster factories on the west coast, in many cases belonging to people who have spent all their savings and borrowed money in order to set up a small factory. These unfortunate men have nothing before them but starvation in the event of their not being permitted to work this season, they having allowed their nets and lines to go to ruin in the meantime; of these, about eight are in the neighbourhood of St. George's Bay and Port-à-Port.

The non-intimation of the *modus vivendi* to the people engaged in this industry, though not touched on in the Resolutions, is, I consider, a real grievance, if this statement be true, although I am at a loss to understand how it can be the case, as they are in telegraphic communication with St. John's.

9. Finally, I inclose a Statement showing the number of barrels of herring exported from St. George's Bay during the last thirteen years, from which it will be seen that the French interference has up to the present not been of the serious character which they attribute to it.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 10.

Governor Sir T. O'Brien to Captain Sir B. Walker.

(Paraphrase of Telegram.)

Newfoundland, June 3, 1890.

FOLLOWING telegram received from Secretary of State for Colonies :—

"Send explanation by telegraph as to state of affairs. Have armed marines landed and removed nets, and has payment taxes been refused?"

"Report by telegraph to me all the facts of the case, to be transmitted to Secretary of State for the Colonies."

Inclosure 3 in No. 10.

STATEMENT of Number of Barrels of Herring exported and sold from St. George's Bay.

Year.			Number of Barrels exported.	Sold.	Remarks.
1878	..	..	10,547	..	
1879	..	..	12,993	..	
1880	..	..	9,058	..	
1881	..	..	12,543	..	
1882	..	..	16,377	..	
1883	..	..	22,291	..	
1884	..	..	19,548	..	
1885	..	..	11,960	..	
1886	..	..	8,172	..	
1887	..	..	16,352	..	
1888	..	..	14,680	10,000	In addition to this a considerable quantity sold to lobster factories.
1889	..	..	16,627	2,500	

(Signed) B. W. WALKER, Captain.

Inclosure 4 in No. 10.

Resolutions passed at a Public Meeting held at Sandy Point, Bay St. George, West Newfoundland, May 24, 1890.

[See Inclosure 3 in No. 6.]

No. 11.

Admiralty to Foreign Office.—(Received July 16.)

Sir,

Admiralty, July 11, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of Her Majesty's ship "Emerald," dated the 22nd ultimo, together with copy of its inclosure, respecting the state of affairs in connection with the Newfoundland fisheries.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 11.

Captain Sir B. Walker to Admiralty.

(Extract.)

"Emerald," at St. George's Bay, June 22, 1890.

IN continuation of my letter of the 6th June, I have the honour to report that I left Port Saunders on the 9th instant for Old Ferolle, where I arrived the same day. Having visited the factories in that neighbourhood, I proceeded, on the 11th instant, to St. Margaret's Bay, where I met Commodore Maréchal, and arranged with him the delimitation, under the *modus vivendi*, of the fishing-grounds for the factories situated round that bay.

Inclosure 2 in No. 11.

Commander Riddel to Captain Sir B. Walker.

Sir,

"Pelican," at Bay St. George, June 17, 1890.

I HAVE the honour to report that, in pursuance of your orders, I left Port Saunders in Her Majesty's ship "Pelican," under my command, on the forenoon of the 5th June, and proceeded under steam for Bay St. George, experiencing a dense fog during the latter

part of the passage, which compelled me to anchor off Gravels for the night of the 6th, proceeding to St. George's on the following forenoon.

2. At St. George's I was informed that the herring fishing had for the most part come to an end, and that the catch had been very good. No French cruiser was in the port, and everything was quiet on shore, though some of the residents who had cargo on board the steam-ship "Harlow" had on the previous day, on her arrival from Halifax, refused to pay the customary duties of import, and that, in consequence, the steamer had proceeded north without landing any part of it. I may here add that on the return voyage of the "Harlow" the amount of duty was deposited, and the cargo removed from the vessel by the consignees.

I communicated with his Excellency the Governor by telegraph; and having been assured by Mr. Dwyer, the Resident Magistrate, that no disturbances were anticipated, I put to sea on the 8th instant at 4.40 A.M., and after encountering strong breezes and a confused sea, arrived at Sydney at 10.15 A.M. on the 9th.

3. At Sydney twenty-four hours' general leave was given to each watch; and the ship was coaled alongside the pier of the Sydney and Louisburg Coal and Railway Company, and at 10 A.M. on the 13th the "Pelican" proceeded to sea, arriving at St. George's at noon on the following day.

4. The French cruiser "Indre" was at Sydney, and, on the 10th instant, she sailed for St. John's.

5. Having received your telegram of the 16th June, directing me to visit the lobster factory at Fishels and to prohibit Leroux, the owner, from working it during the present season, I put to sea on the morning of the 17th, and complied with your instructions by serving a notice on Leroux. I then crossed the bay and communicated with the factory in Abraham's Cove, which I find is a new one, worked by two men and two women for the firm of Haliburton, of Cape Breton. On returning to St. George's in the afternoon of the same day, I communicated the results of these visits to you at Bay of Islands.

I have, &c.

(Signed) D. M^N. RIDDEL.

No. 12.

The Earl of Lytton to the Marquis of Salisbury.—(Received July 21.)

My Lord,

Paris, July 20, 1890.

I HAVE the honour to transmit herewith to your Lordship, extracted from the "Journal Officiel" of this day, a note of the movement of French shipping and of the exportation of codfish at St. Pierre during the month of May last, which states that compared with the corresponding period of last year the figures show a decrease of 86,912 kilog. of dried, and 1,442,260 kilog. of fresh fish.

I have, &c.

(Signed) LYTTON.

Inclosure in No. 12.

Extract from the "Journal Officiel" of July 20, 1890.

SAINT-PIERRE ET MIQUELON.—Il est entré, pendant le mois de Mai, dans le port de Saint-Pierre, quarante et un bâtiments Français (long-courriers et pêcheurs), et il en est sorti vingt-quatre.

Pendant la même période, les exportations de morue ont été de 333,670 kilog. de morue sèche et 692,463 kilog. de morue verte. Les exportations totales atteignent, pour les quatre premiers mois de l'année 1890, 1,208,542 kilog. de morue sèche et 692,463 kilog. de morue verte; l'exportation de la morue verte n'a commencé qu'en Mai. Comparés au mouvement commercial de la période correspondante de 1889, ces chiffres accusent une diminution de 86,912 kilog. pour la morue sèche et de 1,442,260 kilog. pour la morue verte.

Le cadastre dont la confection a été décidée par le Conseil-Général est en cours d'exécution.

(Translation.)

ST. PIERRE AND MIQUELON.—During the month of May forty-one French vessels entered the port of St. Pierre ("long distance" vessels and fishing-boats), and twenty-four left it.

During the same period the export of cod amounted to 333,670 kilog. of dried cod, and 692,463 kilog. of undried cod. The total export for the first four months of the year 1890 comes to 1,208,542 kilog. of dried cod, and 692,463 kilog. of undried cod; the export of "undried" cod only began in May. Compared with the commercial movement in the corresponding period of 1889, these numbers show a diminution of 82,912 kilog. in the export of dried cod, and of 1,442,260 kilog. of "undried" cod.

The survey decreed by the "Conseil-Général" is in course of being carried out.

No. 13.

Colonial Office to Foreign Office.—(Received July 22.)

Sir,

Downing Street, July 21, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a printed copy of an Address to the Queen on the subject of the French Treaty rights on the coasts of Newfoundland, which address has been passed by both Houses of the Colonial Legislature.

Lord Knutsford proposes, with Lord Salisbury's concurrence, to defer replying to the Address until the negotiations at present going on with the Colonial delegates shall have made some further progress.

His Lordship has laid the original Address before the Queen.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 13.

Address.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's humble and loyal subjects, the Legislative Council and House of Assembly of Newfoundland, in Legislative Session convened, desire to approach your Majesty with hearty expressions of devotion to your Majesty's person and throne.

We deeply deplore the circumstances which constrain us to appeal again to your Majesty with regard to the encroachments made by French citizens upon the rights of your Majesty's subjects in Newfoundland.

We most humbly crave the favour of your Gracious Majesty's reference to our Address relative to this subject presented last year, and especially we beg to call attention to the following paragraphs:—

"With all submission we are constrained to state to your Majesty our position, that the claims of the subjects of France in respect of the taking and preserving of lobsters upon our coasts, and also their claims in respect of the taking of salmon, which latter claims have also been the subject of our deliberations, are utterly without foundation, and cannot be maintained; that the action of French subjects in this behalf has been in violation of Treaty obligations and of international law, and that there has resulted therefrom a gross trespass on the rights of British subjects, and one for which an exemplary compensation should be demanded from the Government of France.

"For the causes herein set forth, and with the grievances herein complained of, we, your Majesty's dutiful and loyal subjects, do therefore approach your Majesty with the humble prayer that your Majesty will be pleased to take the same into gracious and favourable consideration, that your Majesty will cause the same to be brought to the notice and consideration of your Majesty's Ministers, that your Majesty will graciously cause such action to be taken as shall lead to the removal of all lobster factories, or establishments, or buildings connected with the lobster industry, erected by the French upon the territory of Newfoundland, and to the prevention of any such erections in future; and that your Majesty will be graciously pleased to cause it to be an instruction to the Commanders and officers of your Majesty's ships engaged in the protection of the fisheries upon the coast of Newfoundland that they shall be aiding and assisting your Majesty's subjects in this island in the prevention of interference by the French with the prosecution of any lawful industries enterprised by British subjects in Newfoundland."

From the gracious reply vouchsafed by your Majesty to our Petition, we are pleased

to know that your Majesty's Ministers concur with us in the position that the French have no right to take lobsters or erect lobster factories on our coast.

We have learned then, with surprise and great alarm, that a *modus vivendi* has been entered into between your Majesty and the French Government, not only tolerating for this season the lobster factories operated by the French during last year—against which we humbly made petition to your Majesty—but also empowering your Majesty's naval officers to sanction the erection of an indefinite number of new factories by the French during the present season, notwithstanding the statement made by the Right Honourable Sir H. J. Holland to Governor Sir G. W. DesVœux, dated the 11th February, 1887, that "the French Government have approved of the removal of some lobster factories established on the coast by French subjects." This statement, in the opinion of your petitioners, is evidence of the fact that the French Government at that time appreciated their error in the erection of such factories.

We have noticed the statement of Sir James Fergusson in the House of Commons that the *modus vivendi* had been modified to meet in some degree the views of the Newfoundland Government, which might imply that the modifications were in the direction suggested by our Government. On this point there has been some misapprehension, and it appears evident, on perusal of the correspondence between the Imperial and Colonial Governments, that the particular object which the Colony had in view in suggesting the change of date for the commencement of the *status quo* had not been accurately appreciated.

The first despatch from Lord Knutsford on the subject announced the proposal of a *modus vivendi* for the season of 1890 with regard to lobster factories on the basis that each nation should operate the same number respectively as were in existence on the 1st July, 1889. The despatch in reply from the Newfoundland Government contests the claim of the French to erect factories; but, actuated solely by a desire to meet the wishes of your Majesty's Government for some temporary arrangement for the season, suggested that if the *modus vivendi* were arranged, the date of the *status quo* should be the 1st January, 1890, as the British had commenced a number of new factories. Without further consultation with the Newfoundland Government, and pursuing a course the effect of which was exactly opposite to that suggested, an arrangement was entered into with France, allowing the French to erect and operate an unlimited number of new factories for which sites satisfactory to the French and English Naval Commanders could be found. This is the modification said by Sir James Fergusson to have been made to some extent "to meet the views" contained in the despatch of the Newfoundland Government above referred to. An arrangement less in keeping with the object aimed at in the suggestion of alteration in the date could scarcely be made, and that it is more inimical to the interests of this Colony and more favourable to the French than the proposal first cabled to the Newfoundland Government is conclusively shown by the refusal of the French to return to that arrangement when subsequently requested to do so by your Majesty's Ministers.

The *modus vivendi* was thus concluded without the assent of this Colony, notwithstanding the assurance contained in the despatch of the Secretary of State (Mr. Labouchere, 26th March, 1857), to the effect that "the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent, that the Constitutional mode of submitting measures for that assent is by bringing them before the Colonial Legislature, and that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

We beg further humbly to submit that there is no law under which the French are permitted to erect lobster factories on any part of the coast of Newfoundland, nor is there any law to prevent British subjects from exercising fishing and all other rights on the whole coast of this island, including lobster catching and canning and the erection of buildings for that purpose.

From this it follows that solely by force exercised either by your Majesty's or the French naval or military forces can the French lobster factories be maintained, or English lobster factories be prevented.

If the naval or military forces of either country were to act without any sanction of law in dealing with this question, could it be a matter of surprise if British subjects in Newfoundland, seeing their fisheries handed over to foreigners, their mines, minerals, and lands locked away from their use, and their other industries hampered by the action of the French nation, were incited to acts of retaliation?

We humbly submit that we have full power to legislate for our fisheries, notwithstanding the existence of any right of fishing upon our coast enjoyed by other nations in virtue of Treaties, provided that our legislation be not differential.

Opinions have varied in this Colony, as in other fishing countries, regarding modes and appliances for fishing, and laws on these subjects have been enacted, amended, and repealed by this Legislature, from time to time, as occasion required. In some of these Acts the following clause has been inserted:—

“Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State or Power in amity with Her Majesty.”

The Legislature has at different times passed several Acts regulating the fishery as carried on by means of cod-traps, all of which Acts have received your Majesty's assent. In the Session of 1888 an Act was passed prohibiting the use of cod-traps after the fishing season of 1889. During the present Session a Bill was passed repealing that Act; and we are now informed by his Excellency the Governor that, under instructions from your Majesty's Ministers, he must withhold his assent thereto. This is an interference with our right to legislate for our fisheries which we pray that your Majesty will not permit.

In the Session of 1889 an Act was passed creating a Fisheries Commission, for the better regulation of our fishing industries. The Act, though not disallowed, has not received your Majesty's assent, the cause assigned being that it contained no clause exempting from its operation that part of the coast on which the French have Treaty rights.

We proposed to insert in this Act the clause hereinbefore set out, and heretofore used; but your Majesty's Ministers decline to accept it, and require further limitation of the operation of the Act.

To guard the interests of your Majesty's subjects in this Colony against the claims of a foreign nation calls for the use of every means in our power to protect ourselves and our country from that destruction which an acquiescence therein would bring upon us.

The Secretary of State for the Colonies asks if we are prepared to submit the question of the lobster fishery to arbitration? After a careful perusal of the Treaties bearing on this matter, we find that there is certainly no question for arbitration. A similar proposition applied to Great Britain would be for the French to claim a right to take salmon in the Tees or the Tay, and for your Majesty to submit such claim to arbitration.

With respect to the lobster industry, this Colony will be satisfied with nothing short of the immediate removal of every French lobster factory from the shores of Newfoundland; and all our efforts will be directed to the accomplishment of this object.

We claim that the French bounties on fish caught on the coast of Newfoundland and by vessels prosecuting the fishery from St. Pierre and Miquelon cannot be excluded from the consideration of this question. These bounties had no existence when the original Treaty was signed; yet the vast vantage-ground which they confer upon French over British fishermen is so manifest that it is wholly incredible that such privileges would have been conceded by Great Britain if the possibility of these bounties had been then contemplated.

We submit, further, that for a right understanding of the concessions made to the French, the condition of surrounding facts at the date of the Treaty must be considered in order to ascertain what was the intention of the High Contracting Parties. The cod fishery was the only fishery then prosecuted, and it was carried on by those who visited the part of the coast referred to, caught their fish, cured and dried them on the strand, and departed immediately the fishing season was over. It is hardly possible to conceive of a concession made by the Sovereign of the soil more limited, or of a more temporary nature, than that then conceded to the French, viz., that of fishing upon the coast, and of drying the fish upon the land. The work of drying is done in a short time, in a limited area, upon the beach or strand; and the crew of a vessel, having used a part of the strand in one year for this purpose, can obtain thereby no right to the same locality in a subsequent year. Provided, therefore, that the French vessels, as they arrive upon the coast and require sites to dry their fish, are afforded such accommodation and are not interfered with in their fishing, we most humbly submit that the Treaty is honourably executed, and that we are not compelled by a reasonable construction of it to yield to the monstrous demands the French have put forth, such as the continuance of several hundreds of miles of coast in a state of perpetual wilderness for the purpose of affording strand accommodation of a few thousand yards, for four or five months each year, to French fishing-vessels to dry their fish, the abstaining on our part from all industrial occupations in that part of the island, the yielding up to the French the salmon fisheries in the rivers, the participation in the lobster fishery (which was not known at the date of the Treaty, and which it was therefore impossible to concede), and the demand of

an exclusively right to the cod-fishery, notwithstanding the express declaration that the fishery should be carried on according to the practice therefore existing, neither party to deviate therefrom. When it was declared that neither party was to deviate from the existing practice, it must have been intended that both parties should be present exercising a concurrent right of fishing.

If the Treaty is to be construed in accordance with French demands, then we would most humbly ask your Majesty, What is left for your Majesty as the Sovereign of the soil? If such interpretation is allowed, the possession of an easement, a right of fishing, is of far more value than the possession of the territory, for the French contend that we are not to fish upon the coast, are not to take the salmon in the rivers, are not to till the soil, are not to operate the mines and use the harbours for the exportation of minerals or for other purposes of trade; that they are not amenable to our Customs Laws, and that it is only by sufferance that our vessels and boats are permitted by the French to be in our own harbours on this coast. These and other similar contentions set up by the French would leave a large portion of this island French territory, all but in name.

Whilst these aggressions are taking place on the coast between Cape St. John and Cape Ray, the Islands of St. Pierre and Miquelon are made the centres from which smuggling is carried on to an extent ruinous to the interest of this country, and which in the unguarded state of a part of the coast it is impossible to prevent. This illicit trade is fostered and favoured by the French, and our frequent applications for the appointment of a Consul at St Pierre, to protect British interests, have been systematically refused—a refusal probably without parallel. Thus the declaration of the King of France, that these islands should not become an object of jealousy between the two nations, is set at naught.

We therefore humbly pray that your Majesty will be pleased to assent to those two Acts of our Legislature already referred to, and that you will relieve Newfoundland from its most anomalous and injurious position in relation to French claims.

Deign to accept, Most Gracious Sovereign, our profoundest expressions of loyalty and affection.

No. 14.

Admiralty to Foreign Office.—(Received July 24.)

Sir,

Admiralty, July 23, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Captain of the "Emerald," dated the 2nd instant, together with copies of its inclosures, respecting the misrepresentations in the public prints of the state of affairs in connection with the Newfoundland fisheries.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 14.

Captain Sir B. Walker to Vice-Admiral Watson.

(Extract.)¹

"Emerald," at St. John's, July 2, 1890.

IN view of the gross exaggerations that are appearing in public print with reference to the Fishery question on the Newfoundland coasts, I have the honour to forward information on the different points that have arisen.

As authoritative statements have been made that an armed force had been landed at St. George's Bay from the French vessels, I beg to give further particulars on this subject.

No armed force whatever was landed, neither was any Proclamation issued by the French officers. The facts of the occurrence were as follows:—

The intimation that the nets were required to be removed in order to allow of the French seining operations was conveyed by an officer from the "Indre," wearing side-arms, who landed from the steam-cutter of that ship in a dory pulled by one man, none of the men being armed.

The officer walked up to a group of fishermen standing on a pier, and, having inquired whether they understood French, and receiving a reply in the affirmative from

two of them, he asked if any of them had nets on a particular portion of the shore which he indicated, and proceeded to read from a sheet of paper his orders, which were to the effect that he was to inform the people owning nets set in that particular locality that they were required to remove them by 8 o'clock the next morning, as the French were desirous of seining at that spot. I may add that, in previous years, the nets have not been set there until the end of the fishing season.

By my conversation with Commodore Maréchal on the subject, and after very careful inquiries made personally on the spot, I feel sure that nothing was done that could be construed into a Proclamation; in fact, everything tends to show that the requisition was moderate both in tone and effect.

I also beg to forward a correspondence of a semi-official nature that has taken place between the Rev. M. F. Howley and myself as to the action of the inhabitants of St. George's Bay. As the people did not consent to give the necessary undertakings, no goods were allowed to be landed from the "Harlow" on her arrival, and the merchandize would have been taken back to Halifax had not, previous to that vessel's return from the north, common sense come to their rescue. The duties were paid, and I am glad to say no further difficulties have arisen under this head.

My hopeful anticipations with regard to the herring fishery at St. George's Bay have been fully realized, it having proved one of the most abundant of late years. All the nets belonging to the inhabitants were up by the 11th, although the fish did not leave the bay till the 16th June.

The next question that arose was in connection with the working of a new lobster ractory, which was objected to under the *modus vivendi* by the French Commodore, and had, in consequence, to be ordered to cease operations for the present season. As my orders were defied in this case, after repeated warnings, I took possession of the place in Her Majesty's name, and have landed a sergeant and two privates of Marines there.

The wild rumours circulated as to affairs at Port-à-Port resolve themselves into a squabble between French and English boats seining capelin. The English had succeeded in making a good catch, and whilst hauling their seine the French boat came along and tore it with a boat-hook, allowing the fish to escape.

The setting fire to the factory belonging to Messrs. Abbott and Hill (which is not in operation) turns out to be pure fiction; the capelin at that time were hourly expected, and it is customary for the fishermen to watch for them on the beach; the weather at this time was extremely cold and inclement, and the French fishermen went into this unused factory for shelter and lighted a fire for warmth; that it was dangerous and stupid there is no denying, but they had no malicious intent, and on the English fisherman who lives on the spot telling them to leave the place they did so immediately.

From day to day various small incidents, which are the ordinary adjuncts of the fishing season, are constantly taking place; these, during the present year, have been exaggerated and misstated in the grossest manner possible; I would therefore ask you to give no credence whatever to these various rumours. Should any case of real importance arise the earliest opportunity of telegraphing to you will be taken, and I will make it my duty to keep you fully informed of events. I may add that I was in complete ignorance of the startling reports circulated by the English press until I received the English mail on my arrival at this port. The local press, from such frequent false statements, being totally unreliable, was not, therefore, taken any notice of by me.

I am happy to say that the information from the Captain of the "Forward," received to-day by the "Conscript," shows the reported burning of French boats at La Scie to be entirely without foundation.

Inclosure 2 in No. 14.

The Rev. M. Howley to Captain Sir B. Walker.

Dear Sir,

On board "Harlow," June 7, 1890.

"HARLOW" arrived this morning. People declared they would seize goods lest you might think we went back of our word. I beg to say that we telegraphed first to our Member, and afterwards to the Colonial Secretary, asking if the Government would consider our case for compensation, but they did not condescend to reply, but treated us with the usual contempt, so the people could not be any longer restrained.

Please excuse pencil, and believe me, &c.

(Signed) M. F. HOWLEY.

Inclosure 3 in No. 14.

Captain Sir B. Walker to the Rev. M. Howley.

Dear Sir,

"Emerald," at Bonne Bay, June 16, 1890.

I BEG to acknowledge the receipt of your letter of the 7th June, which I much regret I was unable to answer by return, owing to the shortness of the "Harlow's" stay at Port Saunders.

I can hardly credit people with common sense perpetrating such an unbusinesslike and foolish proceeding as refusing to pay duty on the feeble pretext "that I might think they went back on their word" did they do so; the only possible result would be that the goods would not be landed, and unless the inhabitants were prepared to go to the extreme measure of taking forcible possession (an act I should think you would hardly countenance), the persons to whom the goods were consigned would have the doubtful pleasure of paying double freight upon merchandize, the landing of which they, by their own action, prevented, and this without furthering the end in view one iota. As I informed you on board this ship, illegal measures, especially when only ridiculous, do a cause more harm than good.

Let me once more urge you to use your influence to restrain the inhabitants from taking any further action.

The Home Government has the whole question under consideration, and acts like these only hamper negotiations instead of assisting them.

I regret that you have formed such an opinion of me as to imagine that the people being ready and willing to accept my advice and obey the law could possibly lower them in my estimation. Far from it, it would considerably raise them, and enable me to work in their interests with much greater effect.

I am, &c.
(Signed) B. W. WALKER.

No. 15.

The Earl of Lytton to the Marquis of Salisbury.—(Received July 26.)

My Lord,

Paris, July 25, 1890.

WITH reference to my despatch of the 5th instant, I have the honour to report that the Bill for prolonging the grant of fishery bounties to the 30th June, 1901, was passed yesterday by the Senate without alteration.

I have, &c.
(Signed) LYTTON.

No. 16.

Colonial Office to Foreign Office.—(Received July 29.)

Sir,

Downing Street, July 28, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing a Report from Captain Sir Baldwin Walker respecting the state of affairs on the Treaty Shore; and a Memorial from Dr. Howley on behalf of certain residents in St. George's Bay.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 16.

*Governor Sir T. O'Brien to Lord Knutsford.**Government House, St. John's, Newfoundland,*

(Extract.)

July 1, 1890,

ON the arrival of Her Majesty's ship "Emerald" yesterday I received the accompanying report from Captain Sir Baldwin Walker, who states that not only are the

people on the west coast particularly quiet and well disposed this year, but that the French were more than considerate and conciliatory. I therefore at once telegraphed to you, my Lord, to inform you that there was no truth in the exaggerated rumours that have been set afloat, adding that you might depend on my keeping you fully acquainted with any case of real disturbance or conflict, Sir Baldwin Walker having promised to telegraph to me immediately in the event of anything taking place, while at the same time reporting to the Admiralty.

Sir Baldwin also states that he has had to close but two factories of those opened since the 1st July last year, though there are a large number of others of the same category in operation, to which the French have taken no exception. In one case the agent having been told to go on canning in spite of the orders from the Naval Officer Commanding, he had to compel him to stop work; and I now hear that Mr. Morrison, M.H.A. (a partner of Sir James Winter), has been sent by a St. John's merchant, Mr. Baird, to the coast to obtain evidence prior to instituting legal proceedings against the Captain of Her Majesty's ship "Emerald," so that as we are sur to hear more of this hereafter, when I shall fully report to your Lordship in the matter, I would but add that, so far, I do not think this officer has exceeded his powers.

Mr. Baird, to whom the above-mentioned factory is mortgaged, is one of the principal leaders of the so-called "Patriotic Association," and it is openly stated in the press here that it is desired by this body to make this a test case as a protest against the *modus vivendi*.

The accompanying letter has been published by Dr. Howley on the position of matters in St. George's Bay.

In conclusion, I am happy to be able to add that the news from the west coast is confirmatory of that received from all parts of the island, viz., that this year's fishing promises to be so far exceptionally good, hence the main cause of dissatisfaction or incentive to disturbance will be reduced to a minimum.

Inclosure 2 in No. 16.

Captain Sir B. Walker to Governor Sir T. O'Brien.

Sir, "Emerald," at St. John's, June 30, 1890.

IN answer to your letter of the 9th instant, requesting further particulars with reference to the occurrences at St. George's Bay, I have the honour to inform your Excellency that no armed party landed from the French man-of-war, neither was any Proclamation issued to the people, either in the locality or on the coast.

The intimation requiring the people to lift their nets was conveyed to them by an officer wearing his side-arms, who landed from the steam-cutter of the "Indre," which was lying off, in a dory pulled by one man, none of the men in the boats being armed. The officer, seeing a group of men standing on a pier, walked up to them, and, having inquired if any of them understood French, received, I believe, a reply in the affirmative from two of them. He then asked if they owned nets set on a portion of the shore which he indicated, and proceeded to read from a sheet of paper his orders, which were to the effect that he was to inform people owning nets set in the particular locality indicated that they were required to remove them by 8 o'clock the next morning, as the French were desirous of seining on that portion of the shore.

I feel sure, after careful inquiries made and the conversation I have had with Commo-dore Maréchal on the subject, that nothing was done that could be construed into a Proclamation; in fact, everything goes to prove that the requisition was moderate both in tone and effect.

Finally, I have much pleasure in being able to inform your Excellency that the herring harvest in St. George's Bay has been most abundant, and it was acknowledged among the fishermen that they were in no way interrupted this season by the French.

All the nets were up by the 11th June, although the herring were in the bay till the 16th.

It is obvious, therefore, that if the inhabitants did not all obtain a full voyage, it was nobody's fault but their own.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 3 in No. 16.

The Rev. M. Howley to Sir W. Whiteway.

Sir,

St. John's, June 23, 1890.

I HAVE been deputed by the people of west coast to place before you a statement of their case, and a demand for some drawback or compensation for the losses suffered by them owing to the exercise of French rights on our shore. At a meeting held at Sandy Point on the 24th May Resolutions were passed setting forth in strong language our grievances, and declaring that we would refuse to pay duties till we should receive such compensation, or a guarantee to the same effect. The telegraphic despatch, necessarily concise and terse, may, perhaps, have conveyed a sense not exactly in keeping with the sentiments of the meeting, namely, one of disrespect and disloyalty to the Government; and as such interpretation may damage, rather than serve, our cause, I beg to quote the following words from a speech delivered at the meeting, which will show what was the real sense of the meeting on this head:—

The Rev. P. W. Brown, speaking on behalf of the people of Bay of Islands, said: “ He wished it to be distinctly understood that we are not met here to make any complaint against the French. They are exercising what they deem to be their just right, and they are not using any unnecessary severity. Neither are we complaining of our Magistrate or Customs officers, who are only doing their duty, but we are protesting against a system of huge and preposterous injustice inflicted on us, and we want to have it rectified. We object to the conduct of the Government in asking us to pay duties, and giving us no adequate return. Neither do we speak of the present Government, or any particular political party in power, and we deprecate any attempt to give this meeting a party or political colour. We are speaking against a system, not against men.”

Nearly all the speakers expressed the same sentiments, but if some expressions of a more decided character were made use of, due allowance should be given to the feelings of people who had just been ordered to take up their nets, thus seeing themselves possibly deprived of the means of earning bread and butter for their children. Our object, then, in holding the meeting was two-fold:—

1. That we have been suffering from these grievances for many years past, but particularly since the introduction of the Bait Bill. We deemed the present a most opportune moment, when public opinion calls so loudly for the settlement of this question, to strengthen the hands of your Government, by showing in a manner more emphatic than words the unjust burdens imposed on us, and the existence here of dangerous elements likely at any moment to explode into serious trouble. We may also say that we were strongly urged to this expressive mode of action by the words of Sir James Fergusson, who, in reply to a question on the Newfoundland trouble, stated in Parliament, in 1889, that as the inactive or neglectful policy of the Home Government in that matter had now been pursued for nearly 200 years, without producing any bloodshed or more serious consequences than harmless Resolutions and protests, he thought it would be a very wise thing to pursue the same policy in future. We therefore considered that, in order to awaken the Imperial authorities to a sense of the injustice under which we labour, it was necessary to take some more decisive step. I may add it was not our intention to commit any act of personal violence upon officials, but, by taking possession of our goods when landed, to thus protest against the unjust system under which we are labouring.

2. The object of our meeting was to obtain from the Government compensation, or a promise thereof, for the actual loss occasioned to us by circumstances over which we have no control. On this point I am instructed to say that the losses sustained to our people may be considered as particular or individual and general.

With regard to the former, in which is included the question of lobster factories, I am requested to ask that a Judge or Commission of Arbitration be appointed to take into consideration the individual cases of hardship and actual loss by the destruction of property, such as nets, traps, herrings, fish, &c., and that every facility be afforded the people to place their claims before such Tribunal without any unnecessary delay or expense, for which purpose I would suggest that legal advice should be procured for them without any charges on their part.

With regard to the general loss, I beg to state that I think it could be met by a special grant from the Executive for some public works in this district, particularly in Bay St. George, which suffers most from these causes. I would suggest that the sum of 6,000 dollars be granted for that purpose.

I have, &c.

(Signed) M. F. HOWLEY, P. A.

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No. 17.

Colonial Office to Foreign Office.—(Received August 4.)

Sir,

Downing Street, August 2, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a Memorandum forwarded to this Department by Sir William Whiteway, containing suggestions in the matter of the proposal for arbitration on the Newfoundland Fisheries question.

I am to add that the obvious difficulties involved in the latter part of this Memorandum have been pointed out to Sir William Whiteway at his meeting to-day with Lord Knutsford.

I am, &c.
(Signed) R. H. MEADE.

Inclosure in No. 17.

Memorandum in re French Treaties, Newfoundland.

THAT all matters in difference as regards the construction and true meaning of the Treaties, and what breaches thereof have been committed by the people of either nation, and all matters in difference in relation thereto, be submitted to the arbitrament of five Arbitrators, one to be named by Her Majesty's Government, one by the Newfoundland Government, two by the French Government, and one by The award of a majority to be binding, that upon the true position being clearly ascertained, and the full rights of each nation defined, the same Arbitrators proceed to a valuation of the rights of the French as regards the fisheries, and upon the coast between Cape Raye and Cape St. John, and determine the compensation to be made to the French for a surrender of those rights, which surrender upon the one hand, and compensation upon the other, be carried out. That the same Arbitrators determine as regards the abrogation or reduction of the bounties by the French, and the concession of the privilege of purchasing bait fishes on the coast of Newfoundland on an equitable basis, with a view to the prosecution of the fisheries, without injury or prejudice to the people of either nation.

July 21, 1890.

No. 18.

Admiralty to Foreign Office.—(Received August 7.)

(Extract.)

Admiralty, August 7, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to forward herewith, for the information of the Marquis of Salisbury, copy of a letter from the Commanding Officer of Her Majesty's ship "Emerald."

Inclosure in No. 18.

Captain Sir B. Walker to Vice-Admiral Watson.

(Extract.)

"Emerald," at St. John's, July 18, 1890.

THE French this year have, up to the present, been moderate as compared with former seasons. The working of the *modus vivendi* has been most favourable to Newfoundland, thanks to the conciliatory attitude of Commodore Maréchal; recognizing this, I deemed it essential, in Newfoundland's best interests, that the observance on my part should be loyally carried out

At the present time I know of eighteen factories working that were not in operation on the 1st July, 1889. The two factories closed were both in St. George's Bay, one at Fischel's Brook belonging to Mr. Leroux, and the other at Abraham's Cove, on the north side, belonging to Maclean, and supplied by Mr. Baird. As soon as matters had been settled between the French Commodore and myself, which was done at the very earliest

date possible, in order to reduce as far as practicable loss and inconvenience, I telegraphed to the Captain of Her Majesty's ship "Pelican," then at St. George's Bay, to order the above factories to cease operations, and as I anticipated difficulty, determined to proceed myself to that spot. As I found the order to close the factory at Fischel's Brook was disregarded, I, after very careful thought, and having exhausted all conciliatory proposals, determined to enforce the carrying out of my orders. My action in the matter was, I knew, being closely watched; any hesitation on my part might have lost me the control of the inhabitants on the Treaty Shore, and matters would have assumed a serious aspect. Previous to using force, I saw Mr. Leroux in the presence of the the Magistrate at St. George's Bay and talked matters over in a private way. I proposed to him that, if he closed the factory without opposition, I would use my very best endeavours to obtain compensation for him, but that he must understand I could not guarantee it; and I promised him, as a *bona fides* of my endeavour, that I would inform him what I said with respect to his claims, but I, at the same time, told him that, if he persisted in working, he must expect to find me oppose his claims to the utmost. I suggested to him as an alternative to open his factory at Sandy Point, which has not been in operation since 1888, and to smack the lobsters; but I only made this suggestion to him privately, and on the supposition that he would close the Fischel's factory, otherwise he was not to make use of this alternative and work the factory.

Mr. Leroux himself was anxious to obey the prohibition; his men, as he informed me, were only working in a half-hearted way, and that the sooner he was closed the better; that it was only on account of the orders he received from Mr. Baird, mortgagee, that he persisted. I gave him time to consider over matters, and on my return to St. George's Bay I received the following notification from him: "James Baird orders me continue operations at Fischel's factory until stopped by force, and not to deviate from these instructions." After this it was useless temporizing any further.

Having informed Mr. Leroux of my intention to close the factory, and requested some one might be present to represent him, on the 25th June I proceeded off Fischel's Brook, and, having landed, I informed Mr. Leroux' son that I intended taking possession, and placed a sergeant and two privates, Royal Marine Light Infantry, in charge of the establishment, with orders to allow nothing in their charge to leave the place without a written receipt from Mr. Leroux.

The other factory at Abraham's Cove closed without any trouble.

The troubles at St. George's Bay have already been fully reported on; everything was so quiet on the 21st May, and so few French Bankers were there, that the Commander of the "Pelican" considered his presence unnecessary, and he proceeded north, with the "Erin." Advantage was immediately taken of his absence to get up the public meeting at which the revolutionary Resolutions were passed. The affidavits lately taken at the instigation of Mr. Carty, M.H.A., in which they all apparently sustained the same loss, are difficult to reconcile with the undisputed facts that all herring-nets were up by the 11th, notwithstanding the presence of herring in the bay. The truth is the inhabitants secured all the fish they had salt for, and I, in conversation with some of the fishermen, was informed that, though last year they were subjected to considerable loss and inconvenience, this year they had not suffered at all. Yet these same men have since stated in their affidavits that they have this year been subject to loss owing to French interference.

The circumstantial account of the occurrences at Port-à-Port were given by Mr. Baird's agent. Further inquiries into this matter elicited the fact that Commodore Maréchal made the French vessel which destroyed the English net replace it by another.

No. 19.

Commander Riddel to Captain Sir B. Walker.—(Received at the Foreign Office, August 8.)

(Extract.)

"*Pelican*," at St. George's, July 8, 1890.

I HAVE the honour to report the proceedings of Her Majesty's ship "Pelican," under my command, since leaving St. George's on the 19th ultimo.

Acting in compliance with your directions, the "Pelican" left St. George's on that date, and proceeded to Abraham's Cove, where the people at Halliburton's lobster factory were served with a notice to discontinue working.

We arrived at Port Saunders on the afternoon of the 23rd. Found there the French cruizers "La Pérouse" and "Bisson." When calling on Commodore Maréchal, that

officer complained to me that the fishing operations of the French between Port Saunders and Port-au-Choix was impeded by the fact that British schooners frequented the ground. Both the French vessels left Port Saunders on the 24th June, and on the 25th I received a letter from Commodore Maréchal (inclosed) in which he lodged complaints against British schooners visiting Gargamelle Cove and St. John's Island, and by their presence impeding the fishing of French subjects. He also lodged complaints against a schooner, name unknown, for interfering with and cutting cod-trawls at St. John's, but, as no clue to the vessel could be given, it was useless to enter further into the case.

Commodore Maréchal makes a general complaint about the presence of British lobster-traps near the beaches where capelin are netted, but I have not been able to find any single case in which these traps have been set beyond the limits assigned to the various factories. I can only presume the complaint is made merely in a general sort of way as a protest against the factories of Forrest and Co. at Port Saunders and John Meagher's Cove. With reference to the complaint made against the factory at the latter place, I beg to state that I communicated with Mr. Shearer on the subject, and warned him that he must prohibit his fishermen from encroaching beyond the limits. I dispatched the "Erin" to Gargamelle Cove on the 25th to warn British schooners from frequenting that place to the detriment of the French fishermen; and, on the 26th, the "Erin" proceeded to John Meagher's Cove to prohibit Forrest and Co.'s fishermen exceeding the limits in which they are allowed to set their lobster-traps. The "Erin" returned from this service on the following day.

I acknowledged Commodore Maréchal's letter on the 26th June and a copy of my reply is attached.

I visited Torrent River, Hawkes Bay, in the steam-cutter on the 25th June and found no salmon fishing going on; indeed, but little of this industry has been carried on at present, the fish being extremely late in appearing off the rivers on this coast.

A letter dated the 27th June from the Prud'homme at Port-au-Choix reached me on that day, complaining of the presence of British schooners in Gargamelle Cove (copy inclosed). In consequence of this communication I sent Lieutenant Bird in the steam-cutter to visit Gargamelle Cove and to interview the Prud'homme, ascertain from him, and from his own personal observations, what fishing the French carried on in the cove, and whether the presence of schooners there did really impede their fishing operations, directing him, if the latter were the case, to board all British vessels in the cove, ascertain their names, &c., and warn them that they must abstain from making use of that cove as a place of shelter. Sub-Lieutenant Bird, on his return to the ship, reported that the cove was the great baiting-ground for the French, and also that they fished for cod in it, and he notified to the masters of the schooners that they must not use the cove as a place of shelter. On the following day the masters of these schooners came on board the "Pelican," and I explained to them that if they merely visited this coast for shelter, all friction and dispute with the French could be avoided if they would use Hawkes Bay or Port Saunders as harbours. The vessels left Gargamelle on the morning of the 30th.

On the 28th June I sent the "Erin" to Bonne Bay to meet the mail-steamer, and on the 1st July I proceeded to sea in the "Pelican," visited Ponds River, where a man named Plowman commenced salmon fishing on the 15th June, but up to date had caught but eight fish. From Ponds River I proceeded to Port-au-Choix, anchoring in the old port.

The fishing here has been exceedingly good, 4,000 quintals of cod having already been packed, and bait very plentiful. Leaving Port-au-Choix on the 2nd, I visited Sesostris, Barred Harbour, and John Meagher's Cove, and when off Dog Island I was met by the "Erin," which brought up the mails and your telegrams of the 30th June, relative to (1) the case of the schooner "Ste. Marie" at Flowers Cove; and (2) directing me to proceed to St. George's Bay to execute instructions in connection with the lobster factories at Fishels and Robinson's Head.

Leaving Flowers Cove on the 3rd July, I proceeded to Port Saunders where I coaled ship, and again put to sea on the 4th, visited Fox Island and River on the 5th, called off Fishels at 9 o'clock on the evening of the same day, found that Leroux had dismantled his factory, and that the fishermen he had hired for the season had engaged themselves to the owner of a neighbouring factory. I did not embark the marines on account of the lateness of the hour, but warned them to be in readiness to embark on the 7th, on which day they were brought down in the steam-cutter. Arrived and anchored off St. George's at midnight.

A rumour was current that the French Commodore had caused fishing-nets belonging to British subjects to be raised at Fox Island River, but on inquiry I find there

is no truth whatever in the report. It is correct that he ordered British vessels out of West Bay, Port-à-Port, and that these vessels did leave, returning again later on when the Commodore's ship had sailed.

Inclosure 1 in No. 19.

Captain Maréchal to Commander Riddell.

*Croiseur "Le La Pérouse," Port-au-Choix,
le 24 Juin, 1890.*

M. le Commandant,

J'AI l'honneur de vous informer que j'ai reçu aujourd'hui des plaintes simultanées des capitaines de Port-au-Choix et de l'Île Saint-Jean, contre les goélettes Anglaises qui viennent à l'Anse de Gargamelle et à l'Île Saint-Jean les entraver dans leurs opérations de pêche.

A la gêne que leur causent les casiers Anglais qui parsèment la côte dans ces différents endroits et aux environs de l'Anse du Trappeur aussi, points qui sont exploités par nos pêcheurs tous les ans, au moins pendant la saison du capelan, vient se joindre la concurrence illégale des goélettes Anglaises qui prennent l'habitude de venir à cette époque dans ces parages, sous prétexte d'y relâcher, mais en réalité pour y pêcher la morue et ses appâts, au grand détriment de nos nationaux.

Ces bâtiments commettent donc une triple illégalité : ils pêchent sur une côte qui nous est réservée, tranchent leur morue sur les fonds de pêche et ne portent pas de nom.

Le 17 Juin, les doris d'une de ces goélettes ont non seulement levé toutes les harouelles du Capitaine Mary du "Puget" (Île Saint-Jean), mais encore se voyant prises en flagrant délit, elles ont coupé la ligne Française par le milieu et se sont sauvées. Cette goélette, qui était tranquillement au mouillage de l'Île Saint-Jean le Dimanche, 15 Juin, a parfaitement été reconnue ; malheureusement, elle ne portait visiblement aucun nom.

Je n'ai à coup sûr pas besoin de vous faire remarquer, Monsieur le Commandant, combien la présence de ces casiers à homard près des plages où le capelan vient atterrir et la conduite de ces goélettes sont préjudiciables à la pêche de nos nationaux, et contraires aux clauses des Traités.

L'année dernière, la canonnière Anglaise le "Lily" avait déjà été obligée d'éloigner des goélettes de l'Île Saint-Jean, et je vous demanderai, Monsieur le Commandant, de vouloir bien prendre les mesures nécessaires pour que, conformément aux clauses des Traités, nos nationaux ne soient pas gênés dans leur pêche.

J'ai reçu en outre une troisième plainte du Capitaine Landgren, de l'Anse à John Marh (John Meagher's Cove), dont les pêcheurs de Shearer envahissent les fonds de pêche de la Baie des Castors.

Sir Baldwin Walker reconnu avec moi que la ligne de délimitation adoptée sur ce point l'année dernière pour séparer les pêcheurs de homard des deux pays devait encore servir de ligne de démarcation cette année, et je vous demanderai, Monsieur le Commandant, de vouloir bien rappeler Mr. Shearer à l'observation des ordres qu'il a certainement dû recevoir de la Division Navale Anglaise.

Recevez, &c.
(Signé) A. MARÉCHAL.

(Translation.)

*Cruiser "Le La Pérouse," Port-au-Choix,
June 24, 1890.*

M. le Commandant,

I HAVE the honour to inform you that I have received to-day simultaneous complaints from the captains of Port-au-Choix and St. John's Island, against the British schooners coming to Gargamelle Bay and St. John's Island to interfere with their fishing operations.

To the inconvenience caused by British traps strewn over the coast in these various places, and also in the neighbourhood of Trapper's Bay, localities which are frequented by our fishermen every year, at least during the capelin season, there must now be added the illegal competition of British schooners, which at this season habitually come to this neighbourhood under the pretext of seeking shelter, but in reality in order to fish for cod and its bait, to the great detriment of our countrymen.

The illegality of the acts of these boats is, therefore, threefold : they fish on a coast

which is reserved for our use, they clean their cod on the fishing-ground, and they carry no name.

On the 17th June, the doreys of one of these schooners not only hauled all the cod-trawls of Captain Mary of the "Puget" (St. John's Island), but also, seeing themselves caught *in flagrante delicto*, cut the French line and escaped. This schooner, which was lying quietly at the anchorage of St. John's Island, on Sunday, the 15th June, was clearly recognized; unfortunately, she bore no visible name.

I certainly have no need to point out to you, Sir, how the presence of these lobster-traps near the beaches where the capelin shoal, and the conduct of these schooners, are prejudicial to the fishing of our countrymen, and contrary to the clauses of the Treaties.

Last year, already, the British gun-boat "Lily" was obliged to remove these schooners from St. John's Island, and I beg to request that you will take the necessary steps in order that, conformably to the clauses of the Treaties, our countrymen may not be interfered with in their fishing.

I have received, besides, a third complaint from Captain Langren, of John Mark's Bay (John Meagher's Cove) that Shearer's fishermen encroach on the fishing-grounds of the Bay of Castors. Sir Baldwin Walker agreed with me that the boundary adopted in this locality last year, for the separation of the lobster fishers of the two nations, should still serve as a line of demarcation this year, and I must request you, Sir, to be good enough to call Mr. Shearer's attention to the orders which he must certainly have received from the British Naval Division.

Receive, &c.
(Signed) A. MARÉCHAL.

Inclosure 2 in No. 19.

Commander Riddel to Captain Maréchal.

Sir,

"*Pelican*," at Port Saunders, June 26, 1890.

I HAVE the honour to acknowledge the receipt of your communication, dated the 24th instant, in which you inform me that the presence of British vessels in Gargamelle Cove and St. John's Island is impeding the fishing of the subjects of your nation.

2. Also that the crew of a British schooner lying at anchor at St. John's Island had been interfering with and damaging the fishing gear of the "Puget." I regret it has not been possible for you to furnish me with the name of this schooner.

3. Be assured, Sir, that I will take all steps necessary to prevent the fishing industry of French subjects being impeded or interfered with, and that I will direct the British vessels to discontinue fishing in the vicinity of St. John's Island. I have already ordered those frequenting Gargamelle Cove to put to sea.

4. As regards the complaint against Mr. Shearer's fishermen at John Mark's Cove, I beg to inform you I will investigate the matter and, should I find that the complaint is substantiated, I will take such action as to prevent a recurrence.

I have, &c.
(Signed) D. M. N. RIDDEL.

Inclosure 3 in No. 19.

Captain Beloz to Commander Riddel.

(Translation.)

IN the absence of the French "Stationnaire," I come in the name of all the French captains fishing in Port-au-Choix, to beg you to expel the schooners which persist in remaining at anchor in Gargamelle Cove. They do not satisfy themselves by fishing for capelin and cod, to which they have no right, but they impede our fishermen by anchoring amongst their lines, and in defying them.

In consequence, we beg you, Sir, to be good enough to put an end to their hindrance, which does injury to our crews.

Receive, &c.
(For the Captain, Port-au-Choix),
The Captain Prud'homme of the Harbour,
(Signed) E. BELOZ.

Lieutenant-Commander Gray to Captain Sir B. Walker.—(Received at the Foreign Office, August 8.)

Sir,

"Forward," at Twillingate, July 12, 1890.

I HAVE the honour to report my further proceedings since the 27th June.

2. The Captain of the "Indre," having mentioned to me when at Croc that he had experienced great difficulty in identifying several vessels he had met on the coast after passing Cape St. John, I decided to go to Ming's Bight, where I had myself observed several, and investigate.

3. On arrival, I found most of them had left for Labrador, but the 15-ton schooner "Aggie," the smallest of those I had seen on the 24th, was at the same anchorage, a little harbour formed by the small island just inside Grappling Point, and from her master I took the inclosed Statement. In spite of this vessel only having her name on each taffrail, and not on her stern, I considered the action of a foreign man-of-war in demanding a vessel's papers in British waters so questionable, that I deemed it advisable to communicate with you, in order that, when I met the "Indre" at Gouffre on the 5th, I could take whatever steps you thought necessary, and I therefore proceeded to Tilt Cove, the nearest telegraph station.

4. On the 5th July, with the Captain of the "Indre," I selected two suitable places, either of which, subject to your approval, Braën's house, at Canary Harbour, could be moved to.

5. In conversation with Captain Marquis, he explained that several of the inhabitants along the coast had complained of the Labrador schooners for fishing with cod-traps, and throwing offal, &c., overboard, which baited the ground and so spoilt their fishing. (No doubt this complaint is true, but it has never been made to me.) Therefore, in warning them against this, he had wished to identify the vessels, but hardly any had colours, and many had no papers. When I pointed out they all had their name somewhere, and there was hardly any question as to their nationality, he said they might be American. I told him that I hoped taking their names, and informing me, would prove sufficient in future, as in British territorial waters the examination of papers should be left to Her Majesty's ships of war. I also informed him of my intended movements, with approximate dates, so that, should he have any complaints or other cases of a similar nature, he could let me know immediately.

6. Owing to a rumour reaching me about some burning at La Scie, I made further inquiries there, and the Magistrate stated that two summers ago a small French hut, partially built of boughs, was set on fire by a careless sailor of a banker. The Magistrate called the natives to his assistance, but they could save nothing, as it was like tinder, and though he offered a large reward he could not find out the sailor who did it. He showed me a copy of an extraordinary Gazette, dated at St. John's the 16th June, to prove that cod-traps were allowed. I called his attention to the last Rule, and requested him to make it known, but it is not to be surprised if the fishermen are puzzled when they receive contradictory information from responsible authorities.

7. At Sop's Arm I found 2½-inch mesh nets across every mouth of the river. I took them up, and have retained possession of them pending your decision, as I find, by former Fishery Reports, the owner, C. Pittman, is an old offender, and has been repeatedly warned.

8. At Fleur-de-Lis there is only one French room standing, and that was last occupied about ten years ago. The natives have built on the sites of the other rooms; in most cases, many years ago, and they all understand that should the French wish to reoccupy those positions they must vacate them.

9. Neither Captain Legranvillais, of Croc, nor Captain Very, of Rouge, are on the coast this year. I have made inquiries concerning the loss of a net by the latter last season, but could obtain no further information, and Captain Marquis, of the "Indre," considered the whole matter quite finished.

10. The "Indre" was going to Rouge or Croc from Gouffre, to remain until about the 15th, when, being relieved by the "Bisson," she will proceed to the west coast via the Straits of Belleisle.

I have, &c.

(Signed) SCOTT W. A. H. GRAY.

Inclosure in No. 20.

Deposition.

District , to wit.

THE statement of Esau Nobles, master of the fishing-schooner "Aggie," of Nipper's Harbour, 15 tons, taken upon oath, and who saith that the name of the vessel was not on the stern, neither was the port of registry, when he obtained Customs clearance from Tilt Cove on the 6th June last.

On the 22nd instant a boat from the French man-of-war came alongside his vessel, asked who the captain was, to which I replied that I was; he asked me to show my papers, they were examined and returned to me.

He also saw the boat mentioned above go alongside other vessels in the anchorage.⁷
(Signed) ESAU NOBLES, his \times mark. ²²

Sworn before me at Ming's Bight, this 30th day of June, 1890.

(Signed) S. W. A. H. GRAY,
Lieutenant, R.N., and J.P.

No. 21.

Admiralty to Foreign Office.—(Received September 6.)

Sir,

Admiralty, September 2, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to forward herewith, for the information of the Secretary of State for Foreign Affairs, reports of proceedings in connection with the Newfoundland fisheries.

I am, &c.
(Signed) R. D. AWDRY.

Inclosure 1 in No. 21.

Commander Riddel to Captain Sir B. Walker.

Sir,

"Pelican," at Birchy Cove, July 14, 1890.

I HAVE the honour to report that in pursuance of your telegram of the 11th instant directing me to proceed in the execution of previous orders, and to visit Port-à-Port with a view to ascertaining the truth about certain alleged acts of the French against British subjects and property, I beg to inform you that I left St. George's at 4.30 A.M. on the 12th instant in Her Majesty's ship "Pelican" under my command and proceeded to Red Island; there I landed in order to gather information relative to the fishery establishment at that place.

2. There are 115 Frenchmen stationed here this season, 84 of whom fish, and the remainder cure and salt the fish. The Prud'homme, M. Eugène Pourrier, informed me that the cod are very plentiful, but that the catch had not been good owing to the scarcity of bait; 1,500 quintals of cod had been taken. The catch is sold to a St. Pierre firm, Béchaillon et Cie. There are forty-two boats and two schooners of about 60 tons each belonging to the island. Two guardians remain on the island during the winter. There were no complaints against British fishermen or vessels.

3. Leaving Red Island I went to Three Rock Cove, where Halliburton's lobster factory was visited. The season had been a fairly good one, 300 cases of lobster having been packed and 80 quintals of cod cured.

4. Proceeding to Sandbank Cove I found a French factory owned by a M. Paul Tageon. There were four men in this factory and four fishermen; 120 cases had been packed, 350 traps having been used.

5. On leaving Sandbank Cove I steamed to Beach Point, Port-à-Port, and found that the factory there was not working owing to a scarcity of lobsters, though Cairns, of Broad Cove, had 500 traps out. No French had been fishing there during the present season.

6. Anchored at 8.15 P.M. in Head Harbour, and on the following forenoon communicated with the factory at Fox Island River on the subject of alleged outrages on the part of French fishermen.

7. At Fox Island River the master of a French schooner, a short time ago, took a capelan net, the property of a British subject; this net was, however, afterwards returned to him. I can hear nothing of nets having been seized by Commodore Maréchal, or by any of his officers, and consider the rumour to be unfounded. I received a statement from one of the Cairns men to the effect that hawls belonging to Cairns of Broad Cove had been cut by the French, and that the case had been reported to you.

8. Leaving Head Harbour under sail at 5 p.m. on the 13th instant, I proceeded to Birchy Cove, Bay of Islands, using steam, at 1 o'clock arriving off Birchy Cove at 6 a.m. this morning.

9. I purpose remaining here until Wednesday next when the "Volunteer" will arrive on her downward voyage, for the purpose of embarking the sergeant and two privates Royal Marine Light Infantry received on board from Fishels, and after leaving Birchy Cove, I intend visiting Lark Harbour and Bonne Bay, arriving at the latter place on Friday the 18th.

I have, &c.
(Signed) D. M. RIDDEL.

Inclosure 2 in No. 21.

Commander Riddell to Captain Sir B. Walker.

Sir,

"Pelican," at Port Saunders, July 29, 1890.

IN continuation of my letter of proceedings of the 14th July, I have the honour to report that I left Birchy Cove, Bay of Islands, in Her Majesty's ship "Pelican," under my command, on the forenoon of the 16th of the same month, and visited Wood Island and Crabb Point, at each of which places I found the lobster factories at work, that at Crabb Point having done very well, 500 cases having been packed up to date. Reached Lark Harbour in the evening, and anchored there. George Sheppard's factory was working, and that of A. Sheppard and J. Hooper, which was in course of erection at the commencement of the season, had just begun to work, 8 hands being employed in it. On the 17th I communicated, by foot, with Little Harbour, and ascertained that there was but one man there; he was in charge of the French boats and gear. For the past three years the French have not visited this place, but the caretaker stated that he had been informed that they intend reoccupying the harbour next season.

2. Leaving Lark Harbour at 10.45 a.m. on the 18th, Bonne Bay was reached at 5.45, and the ship was anchored at 6.30 p.m. in Neddy Harbour. On the 21st July I received your telegram informing me that you purposed arriving at Port Saunders on the 28th. Bonne Bay was left on the evening of the 21st, and throughout the night passage to Port Saunders was made under sail, the latter place being reached at 9.30 a.m. on the following day. The French cruiser "Indre" was at anchor in the port; and the dispatch-boat "Erin" was absent, Lieutenant Weigall having proceeded to visit Bartlett's Harbour, and other places to the northward.

3. Left Port Saunders at 5.30 a.m. on the 24th July, and reached Port-au-Choix at 8 a.m., where the ship was moored. The reports of the fishing at this place are more favourable than those of last season, 5,000 quintals of cod having been already cured. Proceeding to sea at 9.30 a.m. on the 26th July, visited Dog Island and Old Ferrolle, anchoring at the latter place at 6.10 p.m. Foggy weather was experienced during the day rendering navigation difficult. A strong gale sprung up on the morning of the 27th and continued throughout the day and night, gradually subsiding on the 28th. Weighed anchor and put to sea at 9 a.m. this day, and arrived at Port Saunders at 6.40 p.m.

I have, &c.
(Signed) D. M. RIDDEL.

No. 22.

The Marquis of Salisbury to the Earl of Lytton.

My Lord,

Foreign Office, September 24, 1890.

IN your Excellency's despatch of the 5th June last you reported that M. Ribot had expressed to you in conversation his confidence in the possibility of arriving at a final settlement of the Newfoundland Fishery question on terms satisfactory to England and France. His Excellency observed, however, that France could not take the

initiative in making proposals for such settlement, nor expect Her Majesty's Government to do so until after consultation with the Representatives of Newfoundland who were expected in this country.

Since the date of your despatch Sir W. Whiteway, the Prime Minister of Newfoundland, and other Delegates from the Colony, have arrived in England. They have had repeated conferences with the Secretary of State for the Colonies, and Her Majesty's Government have received from them full information as to the wishes and feeling of the population in regard to this question, which is of vital importance to the Colony. I am, consequently, now enabled to give you instructions for entering upon the subject with the French Minister for Foreign Affairs at the earliest convenient opportunity.

The question, as you are aware, is one of great complexity, and has been debated between the two Governments for many years without any solution having been arrived at.

The main points now in controversy between the two countries, as to the meaning of the international engagements which secure to the French rights of fishery on a portion of the shore of Newfoundland, appear to be the following:—

1. Whether Great Britain, in virtue of her sovereignty over Newfoundland, possesses on that part of the coast rights of fishery concurrent with those of France and equal to them; or only rights which must be so exercised as not to disturb the fishery of France; or no rights of fishery at all.

2. Whether Great Britain, by granting to France the right of drying fish and cutting wood along this part of the shore, and by promising the removal of "établissements sédentaires," has engaged to prohibit her subjects from erecting any kind of building on that part of the shore, or only those buildings which are concerned with the fishery; and, if so, whether lobster factories are included in the prohibition.

3. To what depth inland do the prohibitions against building on the part of British subjects, whatever they may be, extend?

4. Do the words "permis de pêcher et de sécher le poisson" apply to all kinds of animals found in the sea; if not, to which kinds is the application limited?

5. Do the Treaties, by prohibiting French subjects from any construction on the shore beyond "échafauds et cabanes nécessaires et usités pour sécher le poisson," prohibit them from erecting removable lobster factories?

There are, in addition to these, other questions of a less important character which probably would not give much trouble if these primary questions were settled.

The temporary arrangement which was agreed upon between the two Governments for the regulation of this last question during the present fishing season appears to have worked satisfactorily upon the whole. Her Majesty's Government gladly acknowledge that this result has been largely due to the conciliatory instructions issued to the French Naval Commander, and to the friendly and considerate manner in which he has acted upon them.

But the arrangement, as you are aware, has been most unfavourably regarded in the Colony, where it has given rise to much agitation and excitement, and the British Naval Commander has met with considerable opposition in carrying it into effect, and his action has been made the subject of legal proceedings in the Colony.

It is scarcely, therefore, to be hoped that this *modus vivendi*, which was, in fact, merely a temporary compromise pending attempts for a more permanent solution, could be indefinitely prolonged with advantage and convenience.

All the points of difference which I have enumerated above have been argued at great length, without either party having succeeded in producing conviction on the part of the other. Arbitration appears now to be the only method to which resort can be had, if a plain and authoritative definition is required of the extent and nature of the rights secured to France by the Treaties; and with respect at least to some of these we have received the assurance that the French Government is not unwilling to have recourse to this method of adjustment.

But Her Majesty's Government find, from the language of Sir William Whiteway and other Representatives of the Colony, that the wishes of the colonists are centred on the attainment of some arrangement for the termination of French rights upon their coast, and that they do not consider that arbitration, unless, indeed, it should form an accessory part of such an arrangement, would furnish such a solution as they desire.

They point out that even if the decision be given in the sense most favourable to Newfoundland, the curtailment of their powers of self-government involved in the existence of any French rights must still be a very serious impediment to the free development of the resources and industry of the Colony, and that, while the concession of rights to French fishermen was not incompatible with the circumstances of the time

when it was made, when the coast in question was almost uninhabited, and when both the Contracting Parties looked upon Newfoundland mainly as a fishing ground for their respective seamen, it is not an arrangement which can be enforced without great inconvenience and suffering on a growing Colony, with the regular organization and institutions of present civil life. As the population on the coast increases, the evil is naturally intensified, and threatens to lead to most serious consequences unless some complete remedy is applied. The method of fishery has materially altered since the Treaties were concluded, and owing to this change, to improved means of communication, and to the development of the Islands of St. Pierre and Miquelon as a base for the French fishing operations, the use of the shore has ceased to be of great advantage to France, and the convenience to the French fishing industry is now extremely small in proportion to the injury which the Colony suffers from the restrictions imposed on the inhabitants. In proof of this, it is stated that out of some 800 French vessels with crews of over 9,000 men employed in the fishery, almost the whole resort to the banks, and that not more than sixteen, or, according to some accounts, only seven or eight vessels pursue the fishery on the coast of Newfoundland; the capital invested in this portion of the French fishery being estimated at less than 40,000*l*. The private interests actually involved are not therefore very important, even if the value of the six or seven French lobster factories erected on the shore, the legality of which Her Majesty's Government have always contested, were added to this amount.

In exchange for the withdrawal of the French rights on the coast, the Colony is willing to offer full facilities for the purchase of bait, which is stated by French no less than by British authorities to be a matter of prime necessity, and is certainly of the greatest convenience to the French fishing boats in enabling them to get early to the banks. Or, if preferred, the colonists would be prepared to make a reasonable money payment in consideration of the value of the advantages surrendered, and for compensation of the interests affected.

The Representatives of the Colony are convinced that an arrangement of this character would be highly profitable to France, and are anxious that no time should be lost in submitting it to the consideration of the French Government.

I request that your Excellency will give a copy of this despatch to M. Ribot, and in doing so will assure him that it would be a matter of cordial satisfaction to Her Majesty's Government if your overtures met with a favourable response. The question in its present condition is a source of constant anxiety to the two Governments, and there is little ground for hoping that, as time goes on, this state of affairs will improve. Indeed, from the reasons which I have given above, the difficulties with which the matter is surrounded tend rather to aggravate than diminish. Even if the Treaties could be relieved from the obscurity of language which threatens to create so much perilous dispute between the two nations, the continued existence thereunder of any foreign rights must in any case remain burdensome to the colonists in a degree wholly out of proportion to the benefits which they secure to France. Her Majesty's Government are anxious scrupulously to fulfil their Treaty obligations towards France, but the necessity of enforcing them to the detriment of the Colony cannot be otherwise than unwelcome to them, as they believe it must be to the French Government. It would be greatly to the advantage of both countries if any reasonable arrangement could be arrived at for replacing existing engagements by others which would not be open to the same objections.

I am, &c.

(Signed) SALISBURY.

No. 23.

The Earl of Lytton to the Marquis of Salisbury.—(Received October 1.)

My Lord,

Paris, September 26, 1890.

YOUR Lordship's despatch of the 24th instant, containing proposals for a settlement of the questions in dispute between the French and English Governments respecting the Newfoundland fisheries, reached me yesterday morning, and in the afternoon of the same day I handed a copy of it to M. Ribot.

Before doing so I explained to his Excellency the nature of its alternative proposals, and laid stress on the importance attached by Her Majesty's Government to the acceptance of one or other of them with a view to the termination, at the earliest possible date, of a situation fraught with inconvenience and confusion to all the interests affected by it, both French and English. I also dwelt on the difficulty of attempting to postpone a permanent settlement of these questions by any indefinite

prolongation of the provisional arrangement which has provoked so much agitation and excitement in the Colony, or of seeking such a settlement in any other arrangements which failed to free the industry and resources of a self-governing Colony from the inconvenience and suffering involved in the enforcement of rights exercised by a foreign Power upon its coasts.

I regret, however, to inform your Lordship that, notwithstanding my earnest representations in the above sense, to which M. Ribot listened with attention, his Excellency, after looking through the despatch which I then placed in his hands, at once expressed his opinion that neither of its two proposals could be regarded as acceptable.

On my asking him whether I was to consider this as a rejection of the proposals I had been instructed to urge upon his most serious consideration in view of all the circumstances fully set forth in your Lordship's despatch, his Excellency said that, of course, he could give no sort of answer off-hand to such a communication. He had barely glanced through its contents, and could only indicate the general impression they had made on him. But it would receive a definite reply after it had been submitted to his colleagues and carefully considered by the Cabinet.

He intimated, however, that he looked for a permanent settlement of the Newfoundland Fishery question by means of arbitration under conditions less restricted than those which appeared to be placed on it by the terms of your Lordship's despatch.

I then pressed for a definite reply to the despatch at the earliest possible date.

M. Ribot said there would be no undue delay about it, but, as there would be no meeting of the Cabinet next week, and he was much out of health, he was about to go to the country to-morrow for a week's rest, and I must not expect any communication from him on the subject till after his return.

I have, &c.
(Signed) LYTTON.

No. 24.

The Earl of Lytton to the Marquis of Salisbury.—(Received October 6.)

My Lord,

Paris, October 4, 1890.

I HAVE the honour to transmit to your Lordship copy of a note in which the Minister for Foreign Affairs informs me that he has submitted the text of your Lordship's proposals for the settlement of the Newfoundland Fishery dispute to the immediate consideration of the Minister of Marine, and promises a very early statement of the views of the French Government on the subject.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 24.

M. Ribot to the Earl of Lytton.

M. l'Ambassadeur,

Paris, le 2 Octobre, 1890.

VOTRE Excellence a bien voulu me donner communication d'une dépêche qui lui a été adressée le 24 du mois dernier par Lord Salisbury au sujet des difficultés auxquelles donne lieu l'exercice de la pêche à Terre-Neuve.

Je m'empresse de faire connaître à votre Excellence que j'ai transmis le texte de ce document à M. le Ministre de la Marine, en le priant de vouloir bien l'examiner, sans le moindre retard, avec toute l'attention que son importance comporte. J'aurais très prochainement l'honneur d'informer votre Excellence des vues du Gouvernement de la République touchant les suggestions qui y sont formulées.

Agréez, &c.
(Signé) RIBOT.

(Translation.)

M. l'Ambassadeur,

Paris, October 2, 1890.

YOUR Excellency was good enough to communicate to me a despatch addressed to you by Lord Salisbury on the 24th ultimo with regard to the difficulties arising out of the prosecution of the fisheries at Newfoundland.

I hasten to inform your Excellency that I have transmitted the text of this document to the Minister of Marine, with the request that he would be good enough to examine it,

without the least delay, and to give it all the attention which its importance demands. I shall very shortly have the honour to inform your Excellency of the views of the Government of the Republic respecting the suggestions set forth therein.

Accept, &c.
(Signed) RIBOT.

No. 25.

The Earl of Lytton to the Marquis of Salisbury.—(Received October 31.)

My Lord,

Paris, October 30, 1890.

M. RIBOT yesterday placed in my hands the reply of the French Government to the proposals contained in your Lordship's despatch of the 24th September last, which I communicated to his Excellency on the following day, as reported in my despatch of the 26th September, for a final settlement of all questions relating to British and French fishery rights in Newfoundland.

In this document, of which I have the honour to inclose a copy, M. Ribot states that the Government of the Republic is unable to entertain the proposals urged on its acceptance in your Lordship's above-mentioned despatch, but that it is quite willing to come to some agreement with the Government of Her Majesty for a final settlement of these fishery questions, on the basis either of arbitration or of arrangements analogous in principle to those of the proposed Treaty of 1885.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 25.

M. Ribot to the Earl of Lytton.

M. l'Ambassadeur,

Paris, le 29 Octobre, 1890

VOTRE Excellence a bien voulu me communiquer une dépêche de Lord Salisbury du 24 Septembre dernier, ayant pour objet de saisir le Gouvernement de la République de propositions tendant à arriver à un règlement définitif de la question des pêcheries de Terre-Neuve.

Ainsi que le remarque sa Seigneurie, la question est complexe et débattue entre les deux Gouvernements depuis de longues années et sans que je croie devoir reprendre ici les points énumérés dans la dépêche de Lord Salisbury comme pouvant se trouver en discussion, il est certain que le désir des deux Gouvernements a toujours été d'éviter que les divergences existant dans leur manière de voir respective dégénérassent en difficultés plus graves.

Ces sentiments de conciliation se sont, à diverses reprises, manifestés par des actes; sans remonter bien loin dans le passé, c'est ainsi qu'en 1885, le Gouvernement de la République et celui de Sa Majesté ont pu jeter les bases d'une entente également honorable et satisfaisante pour les intérêts des deux parties; c'est ainsi que, l'année dernière, les deux Gouvernements sont tombés d'accord pour déterminer les conditions d'un *modus vivendi*, dont la mise en pratique, ainsi que le constate sa Seigneurie, a donné, dans l'ensemble, des résultats satisfaisants. C'est ainsi encore que les instructions remises chaque année aux Commandants des deux croisières et la façon dont elles sont comprises et appliquées ont toujours écarté les appréhensions que l'excitation des intérêts particuliers aurait pu faire naître.

Lord Salisbury veut bien rappeler dans sa dépêche que les deux Gouvernements, poursuivant cette œuvre d'apaisement, avaient envisagé avec une mutuelle confiance, l'éventualité d'un recours à l'intervention d'un Arbitre. Mais le Premier Ministre, tout en reconnaissant les avantages de cette solution, nous fait savoir par la note à laquelle j'ai l'honneur de répondre qu'elle ne paraît pas devoir être en conformité avec les sentiments exprimés par Sir W. Whiteway et par les Délégués de Terre-Neuve, et il ajoute que pour donner satisfaction aux vœux de la Colonie, la France devrait consentir à l'abandon des droits qui lui sont reconnus par les Traités; en échange la Colonie serait disposée à offrir soit des facilités pour l'achat de la boîte, soit une somme raisonnable en rapport avec la valeur des avantages abandonnés et en compensation des intérêts atteints.

Les Représentants de la Colonie sont convaincus qu'un arrangement de cette nature serait profitable à la France et ils auraient désiré qu'on ne perdît pas de temps pour le soumettre à l'examen du Gouvernement Français.

Ainsi que j'ai eu l'honneur de le dire, à diverses reprises, à votre Excellence, les intentions conciliantes du Gouvernement de la République ne sont nullement changées. Confiant dans les sentiments identiques qu'il a toujours rencontrés auprès des Ministres de Sa Majesté, il ne doute pas qu'une solution favorable ne puisse intervenir une fois encore, et il est tout disposé à rechercher les conditions d'un accord.

Mais il n'hésite pas à déclarer que les propositions qui émanent des Représentants de la Colonie lui semblent reposer sur une appréciation tout à fait inexacte de la nature des droits et de l'importance des intérêts Français, ainsi que sur une exagération manifeste des maux dont se plaint la Colonie.

Sur ce dernier point, je me contenterai de faire observer à votre Excellence combien les plaintes de la Colonie sont peu en rapport avec les renseignements parvenus aux deux Gouvernements sur le calme complet avec lequel la pêche s'est accomplie au cours des dernières campagnes.

En raison de ces diverses considérations et malgré le désir sincère dont le Gouvernement Français est animé d'écarter des difficultés toujours regrettables, il n'a pas cru devoir adhérer aux propositions qui lui sont faites d'échanger ses droits, soit contre le paiement d'une somme d'argent, soit contre certaines facilités au sujet de l'achat de la boîte.

Le Gouvernement de la République est, d'ailleurs, tout disposé à examiner les autres conditions d'un accord qui pourraient lui être soumises, soit qu'elles se rapprochent des bases du projet rédigé en 1885, soit qu'elles visent l'éventualité d'une décision arbitrale, conformément aux premières vues déjà échangées à ce sujet entre les deux Gouvernements.

Agréez, &c.
(Signé) A. RIBOT.

(Translation.)

M. l'Ambassadeur,

Paris, October 29, 1890.

YOUR Excellency was good enough to communicate to me Lord Salisbury's despatch of the 24th September last, having as its object to place before the Government of the Republic proposals with a view to the final settlement of the Newfoundland Fishery question.

As his Lordship observes, the question is complex and has been debated between the two Governments for many years, and though I do not feel called upon to take up here the points enumerated in Lord Salisbury's despatch as being open to discussion, it is certain that it has always been the desire of the two Governments to prevent the divergence in their views from resulting in more serious difficulties.

These conciliatory sentiments have, on various occasions shown themselves by acts. Thus it was, without going very far back in the past, that the Government of the Republic and Her Majesty's Government were able, in 1885, to establish the bases of an understanding equally honourable and satisfactory to the interests of both parties. Thus, only last year, both Governments agreed to define the conditions of a *modus vivendi*, the observance of which, as his Lordship declares, has, on the whole, produced satisfactory results. Thus, again, it is that the instructions annually given to the Commanders of the two cruisers, and the manner in which they have been understood and applied, have always obviated the apprehensions which the irritation to private interests might have aroused.

In his despatch Lord Salisbury is good enough to recall that, in the pursuit of this work of conciliation, both Governments had, in a spirit of mutual confidence, contemplated the eventuality of a resort to arbitration. But, whilst recognizing the advantages of this mode of settlement, the Prime Minister informs us, in the note to which I have the honour to reply, that it does not appear that this solution would be in conformity with the wishes expressed by Sir W. Whiteway and by the Newfoundland Delegates; and he adds that, in order to satisfy the wishes of the Colony, France should consent to surrender the rights secured to her by the Treaties; while in return, the Colony would be disposed either to offer facilities for the purchase of bait, or to make a reasonable money payment proportionate to the value of the advantages surrendered, and as compensation for the interests affected.

The Representatives of the Colony are convinced that an arrangement of this character would be profitable to France, and they are said to have been desirous that no time should be lost in submitting it to the consideration of the French Government.

The conciliatory intentions of the Government of the Republic, as I have on several occasions had the honour to observe to your Excellency, have in no way changed. Relying on the corresponding sentiments which they have always encountered on the part

of Her Majesty's Ministers, they do not doubt that a favourable settlement may be once more effected, and are quite prepared to inquire into the conditions of a possible agreement.

But they do not hesitate to declare that the proposals emanating from the Representatives of the Colony appear to rest on a wholly inaccurate appreciation of the nature of the rights and of the importance of the interests of France, as well as on a manifest exaggeration of the evils of which the Colony complains.

On this last point, I shall content myself with pointing out to your Excellency how little the complaints of the Colony are consistent with the information which has reached the two Governments as to the complete tranquillity which has characterized the fishing operations of recent seasons.

In view of these various considerations, and notwithstanding the sincere desire of the French Government to prevent difficulties, always regrettable in themselves, they do not feel justified in acceding to the proposals made to them to exchange their rights, either for a money payment or for certain facilities with regard to the purchase of bait.

The Government of the Republic are, however, quite prepared to consider such other conditions of an agreement as may be submitted to them, whether they approximate to the bases of the scheme drawn up in 1885, or whether they contemplate an eventual resort to arbitration, in conformity with the preliminary opinions already exchanged on the subject between the two Governments.

Accept, &c.
(Signed) A. RIBOT.

No. 26.

Colonial Office to Foreign Office.—(Received November 11.)

Sir,

Downing Street, November 10, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch which he has addressed to the Governor of Newfoundland on the subject of the proceedings which have taken place relating to the Newfoundland Fisheries question during the visit to this country of Sir William Whiteway and the other gentlemen associated with him as Delegates from the Colonial Government.

I am, &c.
(Signed) JOHN BRAMSTON.

[Inclosure in No. 26.

Lord Knutsford to Governor Sir T. O'Brien.

Sir,

Downing Street, November 10, 1890.

NOW that Sir W. Whiteway and Mr. Harvey are about to return to Newfoundland, it may be convenient that I should give you some account of my communications with them and with the other Delegates who accompanied them, for the purpose of representing the views of the Government and Legislature of Newfoundland with regard to those questions connected with the French fisheries which have of late assumed increased importance.

2. I have had the advantage of receiving at this Office on numerous occasions the gentlemen whom I have mentioned, and also Messrs. Bond and Emerson, and the free and prolonged discussions which have taken place with them upon the various aspects of the Fisheries question have, I trust, conduced to a much clearer understanding on both sides of the difficulties which have to be dealt with, and of the course which it may be possible to take in dealing with them.

3. I did not cause any detailed record of these interviews to be kept, as our conversations were in a great measure of a confidential nature, and it is of course unnecessary that I should report to you the statements made to me as to the colonial grievances and feelings with which you are already well acquainted. I may, however, state generally that, in addition to the complaints of unjustifiable interference on the part of the French with the colonial fishermen, the representations which were most strongly pressed upon me related to the impediments, amounting practically to a

prohibition, which have hitherto precluded the colonists from utilizing the Treaty Shore, and, consequently, the country behind it, for agricultural settlement or mining enterprise. Particular instances were, moreover, brought under my notice, showing that the effect of this state of things is not confined to the Treaty shore, but that the uncertainty as to the extent of French rights and the apprehension of future French complications prevent capitalists at home from investing money in the development of other parts of the island.

4. The Delegates contended that it is not possible, by any reasonable interpretation of the Declaration of 1783, to hold that British settlements are to be excluded from some hundreds of miles of coast-line, in order that at some few places French fishermen may be enabled to erect wooden stages for drying fish; and they urged that, while the Treaty shore is under that Declaration at present closed to British subjects, the French have been allowed to exceed the privileges granted by the same Declaration. They pointed out, moreover, that the Islands of St. Pierre and Miquelon, which were ceded "for the purpose of serving as a real shelter for French fishermen," and which were not to become "an object of jealousy between the two nations," have been armed, and made a commercial port for the collection and transhipment to Europe of fish, on which, under a system most injurious to the colonial trade, bounties are granted from French funds even when it is consumed outside the French dominions; and, further, that they have become a base for constant smuggling by French subjects, while the French Government have refused to admit a British Consular officer to reside there, whose presence would to some extent be a check upon this illicit traffic.

5. It was also represented that while anything in the nature of a British fixed establishment is made the subject of protest and complaint by the French Government and its naval officers, French buildings and a permanent French establishment have been in existence at Le Croc for many years; that this establishment contains store houses, gardens for raising vegetables, and places for keeping cattle; and that it is maintained not by any French fishermen, but by the French Government for the use of its navy, while by the Treaty the French are bound not to erect any buildings "besides stages made of boards, and huts necessary and usual for the drying of fish."

6. I am not aware that the existence of this establishment has previously been the subject of a special complaint from the Colony, and I have made inquiry from the Lords Commissioners of the Admiralty as to the information in that Department respecting it.

7. By my despatch of the 24th June, I have already made you aware that Her Majesty's Government are fully alive to the disadvantage under which the people of Newfoundland labour owing to the existence of the ancient Treaties and engagements relating to the fisheries, and that they will do their best to give effect to any reasonable wishes of the colonists in regard to them; but it must be remembered that Her Majesty's Government cannot force upon a friendly Power the renunciation of its Treaty rights, nor compel the acceptance of an interpretation of those rights which Her Majesty's Government uphold, but which is at direct variance with the interpretation upheld by that Power. I also stated that Her Majesty's Government feel confident that, in these circumstances, the people of Newfoundland will recognize the difficulties which at present surround the Fishery question, and will, on further consideration, perceive that the conclusion of a strictly temporary *modus vivendi* such as has been agreed upon, involving, as it does, no surrender of British rights and no admission of new French claims, was the best course which was open to Her Majesty's Government both to avert possible collisions on the coast of the Colony, and to give time for negotiating with the Government of France such a solution of the questions at issue as may result in a permanent, and, it is hoped, satisfactory, settlement.

8. The Prime Minister received Sir William Whiteway and Mr. Bond on the 11th August, the other Delegates being unfortunately absent owing to the shortness of the notice caused by the accidental miscarriage of a letter from myself. A very interesting and important discussion took place, the details of which you will learn from Sir William Whiteway. It is sufficient for me to inform you that after full consideration of all that had been brought before him, the Marquis of Salisbury felt himself in a position to give full instructions to Her Majesty's Ambassador at Paris, with a view to the opening of negotiations for a comprehensive settlement of the whole question of the French fishery rights, and several communications have already passed between Her Majesty's Government and the French Government on the subject of the basis upon which it might be possible to conclude such a settlement. Having regard,

however, to the very large and complicated questions involved, it can hardly be anticipated that any immediate conclusion can be arrived at between the two Governments.

9. Her Majesty's Government having, as I have shown, been made fully acquainted with the views and desires of the Colony by Sir W. Whiteway and his colleagues, and having also received information from Sir James Winter and the gentlemen who came over with him, the conduct of the negotiations with the French Government must now, as you will readily understand, rest entirely in the hands of Her Majesty's Government.

Such information as I may from time to time be able to impart respecting these negotiations I shall convey to you without delay, and I shall rely upon the readiness of your Ministers to assist Her Majesty's Government by supplying any suggestions or statements of facts that may from time to time appear to be required, although while confidential communications are in progress, it may not be possible to consult them as to the steps which should be taken, and as to the method of conducting the negotiations.

Unless it can be arranged that Her Majesty's Government should again have the advantage of the presence in this country of a Delegate enjoying the confidence of your advisers, it is essential that all matters of detail should be dealt with by Her Majesty's Government, who must be trusted to act in the manner which they believe to conduce most effectually to the interests of the people of Newfoundland.

10. I must add, in conclusion, a strong expression of my sincere hope that Her Majesty's Government will receive from the entire Colony a cordial and willing support, and that all classes and all sections of political opinion in the island will see the necessity of abstaining from any hasty and ill-considered action against French officers and subjects, and of avoiding any appearance of opposition such as recent occurrences give too much reason for fearing has been advocated by some portions of the community both towards the Queen's Government and Her Majesty's naval officers. Any such attitude can only diminish in a serious degree the prospect of attaining a satisfactory and final settlement.

I have, &c.
(Signed) KNUTSFORD.

No. 27.

The Marquis of Salisbury to the Earl of Lytton.

My Lord,

Foreign Office, November 17, 1890.

BY the wish of the Newfoundland Delegates, I laid before the French Government, through M. Waddington, to-day the proposal which they thought might possibly meet with the acceptance of that Government.

My previous conversations with his Excellency had not led me to be so sanguine as they appeared to be in that respect, and therefore I offered it without comment.

It was to this effect: that in consideration of a good Bait Bill and a sum of money to be afterwards agreed upon, the French Government should abandon all their special rights on the shores or in the territorial waters of Newfoundland, and should also discontinue the practice of giving a bounty on fish not consumed in French territory.

M. Waddington replied that he would lay the proposal before his Government, and would communicate the answer as soon as it arrived; but that he had little hope of its being favourable.

I am, &c.
(Signed) SALISBURY.

No. 28.

Admiralty to Foreign Office.—(Received November 22.)

Sir,

Admiralty, November 14, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, copy of a letter from Captain

Sir Baldwin Walker, of Her Majesty's ship "Emerald," dated the 22nd October, with copies of its inclosures, reporting on the lobster factories, Newfoundland fisheries.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 28.

Captain Sir B. Walker to Vice-Admiral Watson.

(Extract.)

"Emerald," at Halifax, October 22, 1890.

I HAVE the honour to forward the Reports on the lobster factories established on the portion of the Newfoundland coast subject to Treaty rights.

The present season has been an indifferent one, with few exceptions: the large quantities of heavy ice on the coast I believe partially caused this; the weed on the rocky bottom in which the lobsters are taken during July (in which month the best results are usually obtained) was this season rubbed quite bare in the shallow water by the masses of ice; the catches were consequently small. Another fact confirmatory of the above is, that September was the most successful month this year; during this period the traps are moved out into deeper water.

Another cause is the rapidly decreasing size of the lobsters (a sure sign of exhaustion). The number required to fill a 1 lb. can has in nearly all instances increased. In the case of Messrs. Shearer's and Forrest's Brig Bay factory just before finally closing, it required seven to eight lobsters to fill a can.

The greatly increased price will, notwithstanding this, have made the season generally remunerative. The small factories, many of which are established on the truck system, will probably pay their suppliers handsomely, if not their owners.

By the inclosed Returns it will be seen that, notwithstanding the *modus vivendi*, there has been a very large increase in the number of factories. The urgent need of proper Regulations in order to prevent this industry being destroyed is obvious, and a check on any further development is necessary in the interests of the whole community.

This year there are no lobster factories working to the north of Brig Bay, the grounds showing unmistakable signs of being exhausted. This will rapidly extend to the whole of the west coast if the increase of former seasons be permitted, and to which that of 1891 promises to be no exception.

This augmentation in the number of factories also constitutes a grave danger of serious international difficulties, to say nothing of the constant disputes that are certain to arise among the native fishermen and their employers. This season there have been cases of these local differences, which up to the present I have been able to deal with in a manner satisfactory to the persons interested, but this cannot be expected to continue.

The factories on the east coast call for no special remark, both being on a small scale.

The French factories of Brig Bay and John Meagher's Cove were enlarged the end of last season, and have employed a greater number of hands, as is also the case with the Barred Harbour factory, St. John's Island.

The new one erected at Clam Bank Cove, Port-à-Port, is on a small scale, and apparently on a different footing to the others, all of which are connected with the cod fishery.

In the case of the three first-named large ones, the cod fishery is auxiliary, but with the two at Port-aux-Choix cod are the primary object, the lobsters being of comparatively little importance.

The number of men employed in the lobster industry with these two varies; a greater number are put on lobster catching when fish are scarce or bait fails, and *vice versâ*, the standing hands being four in one case and six in the other.

The factory at Port-à-Port, owned by M. Tagan, employs native labour, and it is by establishments of this kind that I expect the French will endeavour to further develop the lobster industry, for I doubt, even with the higher prices prevailing for preserved lobsters, if the large factories to the north pay sufficiently well to encourage others to embark in the venture.

It will be seen that several new English factories are contemplated besides those waiting for the termination of the *modus vivendi*; at least two, and probably three, will certainly be objected to by the French, as two of them are situated in the middle of their fishing grounds.

Two new French factories are also spoken of as likely to be erected, and I fully expect, unless some arrangement is arrived at, that more will be set up, though probably all on a small scale, by merchants belonging to St. Pierre.

In Commander Riddel's Report on French lobster factories, I observe that forty-three men is given as the number employed this season by the Brig Bay factory, but I feel certain this is an under-estimate, as that was the number last season, and I know from personal observation that the crew has since been increased, I believe to sixty-three, making the total number of French employed on this industry as 162.

Inclosure 2 in No. 23.

Commander Riddel to Captain Sir B. Walker.

Sir, "Pelican," at Sydney, C.B., October 15, 1890.

IN forwarding a Report on the British lobster factories working on the west coast of Newfoundland during the season of 1890, I have the honour to make the following remarks.

2. There were seventy factories in existence between Cape Anguille and Brig Bay. Of these, thirty-seven were new, and many of them did not commence work until late in the season. A number of these new factories are on a very small scale, being worked by the members of respective families, who seem on the whole to have done fairly well in their undertakings, the outlay in each case being very small, and no expense on account of wages. These factories are chiefly situated in Bay of Islands and on the north side of St. George's Bay.

3. With double the number of factories at work, the number of cases of lobsters packed falls short of last year's by about 1,400. This falling-off is more than accounted for by the fact that the lobsters taken this year have been on an average of a much smaller size than formerly, for in 1889 the average number of lobsters required per tin was three and one-third; this year it is four.

4. The action of the *modus vivendi* put a stop to the building and working of numerous new factories, and there are still many persons who are waiting for this Agreement between the British and French Governments to expire, when they will commence fitting out factories for next season's work. I have been able to ascertain no fewer than twenty cases, which, as far as practicable, are reported on an inclosure.

5. In consequence of the lateness of the spring but little was done in lobstering until June; and the most successful period was after the shelling in September, though in some parts of the coast heavy gales caused fishing operations to be suspended through the traps having been broken up.

6. The presence of British factories at Port Saunders, Bartlett's Harbour, and Brig Bay are still objected to by the French, and periodical complaints of a trivial and often doubtful nature are made against the British fishermen for setting their traps outside their allotted limits.

7. There can be no doubt but that some of the best lobster grounds of previous years have now been worked out, and in Port-a-Port three old factories have not been worked this season in consequence.

8. I would beg to call attention to the fact that on the 17th June a factory, worked by a man named McDonald, at Abraham's Cove, St. George's Bay, was ordered to stop working; this was done for ten days; when McDonald, finding the factories at Gravels were running, recommenced work, and has continued doing so up to about the 11th instant. The catch to the 6th of this month has been 160 cases; and McDonald's original outlay was 180 dollars. I especially note this outlay and catch, as McDonald may make a claim for compensation for his work having been stopped for ten days.

I have, &c.

(Signed) D. M. N. RIDDEL.

Inclosure 3 in No. 28.

Report on British Lobster Factories working on the West Coast of Newfoundland during the Season of 1890.

Distinguishing No.	Where situated.	Owners.		Men employed in Factory.				Fishes.		Average Number of Lobsters per Tin.	Cases packed.		Price per 100.	Number of Traps used.		Fishes.		Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.		1889.	1890.				Commenced.	Ended.	
1	Brig Bay ..	Forrest and Co...	Halifax	2	11	6	4	10	9	4	1,900	560	Cents. 60	2,300	60	June 17	Aug. 14	Sept. 14
2	Dog Island ..	Chetwynd ..	Ditto ..	6	2	5	1	8	..	5	956	480	60	1,100	60	..	Oct. 25	23
3	Bartlett's Harbour ..	Forrest and Co...	Ditto ..	4	10	6	6	9	4	4	2,100	1,500	60	1,500	60	..	..	23
4	Port Saunders ..	Ditto ..	Ditto ..	4	7	8	1	16	2	5	1,400	704	60	1,800	60	..	..	23
5	Belburns (Table Bay)	Harvey ..	St. John's	13	..	14	..	10	..	2½	Not open	300	65	700	65	..	Sept. 26	27
6	Portland Creek ..	Ditto ..	Ditto ..	5	3	6	..	8	..	3	1,200	819	65	1,200	65	..	..	27
7	Cow Head..	Ditto ..	Ditto ..	15	..	14	..	22	..	4	1,400	1,700	65	1,700	65	..	..	27
8	Cow Cove ..	Fearn ..	Ditto ..	8	..	7	..	6	..	..	Not open	150	Wages 20 dollars a-month	400	Wages 20 dollars a-month	Aug. 9	..	28
9	St. Paul's ..	Payzant and Frazer	Halifax	2	2	4	..	10	..	3	2,000	70	70	1,500	70	Sept. 4	..	29
10	Broom Point ..	Ditto ..	Ditto ..	4	6	17	..	42	..	3½	Not open	1,200	70	2,500	70	June 1	July 19	29
11	Gull Marshes (Martin's Point)	Cole ..	Chester, N.S.	10	6	16	2	15	2	..	1,500	950	70	1,400	70	..	Sept. 27	29
12	Sally Cove..	Payzant and Frazer	Halifax	6	6	17	..	22	..	3½	2,000	1,629	70	1,600	70	..	..	29
13	Woody Point ..	Ditto ..	Ditto ..	4	6	16	..	30	..	5	1,000	2,000	70	4,000	70	Oct. 25	..	29
14	Bonne Bay ..	Fearn ..	St. John's	4	1	2	..	17	..	..	Not open	125	80	1,000	80	Nov. 13	..	29
15	Trout River ..	Halliburton ..	Halifax	12	..	8	..	22	..	3½	..	800	60	1,500	60	June 1	..	30
16	Shoal Point ..	Roach ..	Ditto ..	5	..	3	..	4	..	..	..	275	Wages 16 dollars a-month	200	Wages 16 dollars a-month	..	..	Oct. 2

Distinguishing No.	Where situated.	Owners.		Men employed in Factory.		Girls employed in Factory.		Fisher-men.		Number of Traps used.	Price per 100.	Cases packed.		Average Number of Lobsters per Tin.		Fishing.		Date last visited.	Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.			1889.	1890.	1889.	1890.	Commenced.	Ended.		
17	Shoal Point	Augwin	Halifax	4	1	6	..	7	..	1,200	Cents.	1,084	509	3	4½	June 4	Oct. 23	Oct.	2
18	Crabb's Point (Crabb Brook)	Ditto ..	Ditto ..	10	1	13	..	14	..	700	35	113	390	..	..	May 16	Still working	"	2
19	Jenning's Cove	Petitpois	Jenning's Cove	8	..	1	..	5	..	500	60	Not open	200	..	4	June 7	Oct. 20	"	2
20	Goose Arm	Halliburton	St. John's	5	..	1	..	2	..	300	70	"	25	..	7	Sept. 4	Still working	"	2
21	Wood Island	Carter	Good Bank	6	3	5	..	14	..	1,000	60	1,000	1,000	3½	4	June 1	Oct. 31	"	3
22	Ditto ..	McClane	Wood Island	2	..	..	..	2	..	200	..	Not open	..	..	..	..	..	"	3
23	Ditto ..	Duffy..	Ditto ..	1	..	..	..	..	..	25	..	"	7	..	5	Sept. 10	Oct. 30	"	3
24	Frenchman's Cove	Wheeler	Bay of Islands	2	..	..	..	1	..	50	..	"	4	..	3	" 12	Nov. 1	"	3
25	Benoit Cove	Evitt ..	Ditto ..	3	..	..	..	3	..	120	80	"	12	..	4½	" 25	Still working	"	3
26	Birchy Cove	Augwin	Halifax	2	..	2	..	3	..	300	35 c. and 12 dollars a-month	"	32	..	4½	" 10	Ditto ..	"	3
27	Ditto ..	Cooke..	Bay of Islands	6	..	1	..	3	..	300	..	"	40	..	4	July 1	Ditto ..	"	3
28	Blow-me-down	Carine	Ditto ..	2	..	..	..	1	..	50	..	"	15	..	3	Sept. 10	Oct. 15	"	3
29	Lark Harbour	Hooper	Lark Harbour	3	..	2	..	2	..	100	..	"	20	..	4	Aug. 20	" 31	"	3
30	Ditto ..	G. Sheppard	Ditto ..	4	..	5	..	3	..	450	..	"	500	..	3½	June 7	" 25	"	3
31	Bear Cove (Wild Cove)	M. Clane	Wood Island	3	..	3	..	5	..	400	70	"	300	..	2½	" 24	" 23	"	3
32	Serpentine River	Perry ..	Bay of Islands	2	..	2	..	2	..	170	Wages 100 dollars a-season	44	120	1½	1½	" 1	" 20	"	3
33	Rope Cove..	Neville	Halifax	9	..	4	..	8	..	900	Wages 20 dollars a-month	370	492	3	4	" 1	" 28	"	3
	Lewis Brook	Baird ..	St. John's	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"	3
34	Broad Cove	Cairns	Prince Edward Island	10	12	9	1	7	12	2,300	60	2,000	1,560	3½	4	May 31	Nov. 1	"	3
35	Bear Cove (Port-a-Port)	Leech..	Port-a-Port	2	..	..	..	1	..	140	60	Not open	52	..	4	" 25	" 1	"	3
36	Fox Island..	Hinde..	Ditto ..	2	..	..	..	2	..	300	..	"	108	..	4	June 9	Oct. 30	"	3
37	Fox Island River	Abbott	Gravels	..	..	..	..	..	..	..	..	..	..	..	..	..	..	"	3
38	Pelican Cove	Hinde..	Port-a-Port	2	..	..	..	..	..	200	..	Not open	50	..	5	June 6	Oct. 30	"	4
39	Gravels ..	Baird ..	St. John's	14	..	7	..	29	..	2,900	60	2,000	1,000	3	3	" 1	" 30	"	4

Distinguishing No.	Where situated.	Owners.		Men employed in Factory.		Girls employed in Factory.		Fisher-men.		Number of Traps used.	Price per 100.	Cases packed.		Average Number of Lobsters per Tin.		Fishing.		Date last visited.	Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.			1889.	1890.	1889.	1890.	Commenced.	Ended.		
40	Gravels ..	Abbott ..	Gravels ..	14	10	17	1,800	60	1,172	900	3½	4	July 20	Oct. 15	Oct. 4	The two factories are combined in this Report. A new factory working for but a short time. Weather too boisterous to allow of communication. A new factory. Not working this year through a scarcity of lobsters. Ditto.
41	Marches Point ..	Harvey ..	Harvey's Cove ..	..	..	..	..	..	..	..	..	Not open	..	..	..	..	..	..
42	Farm (Port-à-Port) ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
43	West Bay ..	Ditto ..	Ditto	155	A new factory. The working of this factory was stopped by order of Senior Officer, but resumed work ten days later. A new factory.
44	Beach Point ..	Cairns ..	Prince Edward Island	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
45	Three Rock Cove ..	Baird ..	St. John's ..	7 ..	..	5 ..	..	7 ..	..	500	60	400	500	3	3	June 1	Sept. 24	Oct. 5
46	Charlie Sheaves' Cove.	Ditto ..	Ditto ..	6	4	6	600	60	Not open	400	{ May 19 June 28 }	{ June 18 Oct. 11 }	..	Fishing in a small way with 100 traps in 1889. A new factory.
47	Abraham's Cove ..	McDonald ..	Bay St. George ..	2 ..	..	2 ..	..	2 ..	..	200	..	..	160	..	4	..	..	..
48	Romain's Brook ..	Romain ..	Ditto ..	6 ..	..	2 ..	..	6 ..	..	600	60	Not known	400	4	4	May 25	.. 30	.. 1
49	Blanch River (Stephenville)	Quin ..	Stephenville ..	2	1	100	..	Not open	58	..	4	.. 27	.. 31	.. 8	Ditto.
50	Green Point ..	Hann ..	Bay St. George ..	2 ..	..	1 ..	..	..	..	200	..	..	60	..	3	June 25	.. 31	.. 8
51	Seal Cove ..	A. Cutter ..	Ditto ..	3 ..	..	1 ..	..	..	..	300	..	..	75	..	5	July 9	.. 31	.. 8
52	Turf Point	Vincent ..	Ditto ..	3	2	200	60	..	5	.. 1	.. 20	.. 8	Ditto.
53	South Side ..	S. Butt ..	Ditto ..	1 ..	..	..	..	..	..	100	..	..	30	..	5	June 15	.. 20	.. 8
54	Ditto ..	J. Morris ..	Ditto ..	2 ..	..	2 ..	..	..	..	280	..	..	60	..	4	July 20	.. 10	.. 8
55	Ditto ..	E. Butt ..	Ditto ..	1	1	80	10	..	4	Sept. 1	.. 30	.. 8	Ditto.
56	Ditto ..	N. Butt ..	Ditto ..	2 ..	..	..	..	..	..	200	..	..	7	..	5	.. 15	.. 31	.. 8
57	Sandy Point ..	E. Leroux ..	St. George's ..	8 ..	..	3 ..	..	10 ..	..	1,000	Wages 100 dollars	500	150	2	1½	Aug. 1	.. 4	.. 8
58	Bank Head ..	Fall ..	Ditto ..	3	170	..	Not open	52	..	4	July 19	.. 31	.. 8	A new factory. Working stopped June 17 by order of Senior Officer.
59	Berry Head ..	Butt ..	Bay St. George ..	5 ..	..	3 ..	..	6 ..	..	700	60	235	235	4	5	May 25	.. 12	June 17
60	Fishel's Brook ..	E. Leroux ..	St. George's ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
61	Red Brook ..	Hayse ..	Bay St. George ..	8	4	10	1,000	60	Not open	215	4	4	June 5	Oct. 10	Oct. 8	A new factory. Ditto.
62	Robinson's Cove ..	Renouf ..	Ditto ..	4 ..	..	2 ..	..	3 ..	..	2,500	60	..	125	..	4	.. 1	.. 31	.. 8
63	Robinson's Head ..	Henlon ..	Robinson's Head	3 ..	..	..	..	2 ..	..	200	60	..	50	..	5	May 15	.. 3	.. 8
64	Ditto ..	McFetridge ..	St. George's ..	9	3	9	800	60	..	200 20	.. 20	.. 8	A new factory.
65	Middle Barachois ..	Cooke ..	Middlebrook ..	2 ..	..	1 ..	..	3 ..	..	250	60	..	57	..	4	July 1	.. 3	.. 8

Distinguishing No.	Where situated.	Owners.		Men employed in Factory.		Girls employed in Factory.		Fisher-men.		Number of Traps used.	Price per 100.		Cases packed.		Average Number of Lobsters per Tin.		Fishing.		Date last visited.	Remarks.
		Name.	Residence.	Native.	Other.	Native.	Other.	Native.	Other.		Cents.		1889.	1890.	1889.	1890.	Commenced.	Ended.		
66	Crabbes ..	Chetwynd ..	Halifax ..	2	3	7	..	10	..	1,150	60		1,265	350	4	4½	May 29	Oct. 8	Oct. 8	A new factory.
67	Highlands .. (McCiel-lar's Cove)	Keating ..	St. George's ..	4	..	3	..	5	..	500	60		550	165	2	3	June 1	„ 1	„ 8	
68	Highlands .. (Coin's Brook) ..	Bruce and Piers-way ..	Ditto ..	3	..	..	..	3	..	250	Wages 18 dollars a-month. Season 100 dollars 60		Not open	100	..	4	July 10	Aug. 15	„ 8
69	Highlands ..	E. Leroux ..	Ditto ..	10	..	4	..	11	..	1,100			500	400	1½	2	May 15	Oct. 6	„ 8	
70	Highlands (Ship Cove)	N. Butt ..	Bay St. George ..	4	..	6	..	10	..	1,200			800	420	4	4	June 1	„ 31	„ 8	
Total		..	..	322	80	278	15	505	29				27,634	24,937					

(Signed) D. M. N. RIDDEL, Commander.

“Pelican,” Bay St. George, October 9, 1890.

Inclosure 4 in No. 28.

LIST of Lobster Factories building or projected for Work during the Season of 1891.

Locality.	For whom or by whom Building.				Remarks.	
Caribon Point (Castor's River) ..	Chetwynd ..	..	..	..	Cook-house erected.
Eddy's Cove ..	Goring ..	..	..	..	Partially built.
Ponds River ..	Fearn ..	..	..	..	Staging marked out and commenced, and pier started.
Daniel's Harbour ..	Fearn ..	..	..	..	Reported as in contemplation.
Roche's Harbour ..	Roberts ..	..	..	..	Buildings completed.
Roche's Harbour ..	Payzant and Frazer ..	..	..	..	In frame.
Baker's Brook ..	Payzant and Frazer ..	..	..	..	Ditto.
Lobster Cove ..	Halfyard ..	..	..	..	Ditto.
Norris Point ..	Muir, McDougal, and Templeton	..	..	..	In frame, and plant provided.
About Port-à-Port, and north side of Bay St. George	Caddy Dubasque ..	..	..	..	These factories are in contemplation, exact localities not yet known. Others may start if satisfactory arrangements are come to between British and French Governments.
	Gale and Co. ..	..	..	..
	Campbell and Co. ..	..	..	..
	March, Bros. ..	..	..	..
	Gilles and Co. ..	..	..	..
	Dutrait and Co. ..	..	..	..
	Ducet and Co. ..	..	..	..
FRENCH FACTORIES.						
Port-à-Port	Tagan ..	Buildings not commenced.
North of Cape George	Pourrier ..	Ditto.
DOUBTFUL.						
Brake's Cove	Halliburton ..	Plant removed to Goose Arm this season.
Arches	Not known ..	One.
Lark Harbour	Ditto.	Two.

(Signed)

D. M. N. RIDDEL, *Commander.*

"Pelican," at Bay St. George, October 9, 1890.

Inclosure 5 in No. 28.

Commander Riddell to Captain Sir B. Walker.

Sir,

"Pelican," at Sydney, C.B., October 15, 1890.

I HAVE the honour to forward a Report on the French lobster factories which have been in operation on the west coast of Newfoundland during the season of 1890, and in doing so, I beg to submit the following remarks.

2. The factories at Port-aux-Choix (2), Barred Harbour, Bartlett's Harbour, and Brig Bay, which were working last year, have continued in operation this season. That of St. John's Harbour appears to have been merged into the large factory at Barred Harbour, which is also fed by catches of lobsters made at Sesostris Bay. The number of factories working this year is equal to that of last season in consequence of the erection of a new factory at Clambank Cove, on the mainland, a short distance north of Red Island.

3. There do not appear to be any difference in the factories from previous years, and all must be considered as pertaining to a permanent character, and therefore a violation of Treaty rights.

4. A larger number of men have been employed in lobster catching and preserving this year than formerly, for last year 131 French was the total number; this season it was 142 French and 10 natives, the latter being employed in Clambank Cove factory.

The fishing has not been so successful as that of last year, as will be seen from the attached Report, the information in which was furnished by the Managers of the respective factories.

5. I have not heard of any projected French factories on the north-west coast of Newfoundland; but two are spoken of further south, one in Port-à-Port, and one near Cape George and Red Island.

6. The number of cases of lobsters packed by the present Brig Bay factory, when established in White Bay in 1888, was 300.

I have, &c.

(Signed)

D. M. N. RIDDEL.

Inclosure 6 in No. 28.
List of French Lobster Factories in operation on the West Coast of Newfoundland during the Season of 1890.

Place where Factory is situated.	Date last visited.	Names of—			Number of Persons employed in Factory.				Cases of Lobsters packed.		Number of Traps used.	Average Number of Lobsters per Tin.		Dates when fishing.		Remarks.
		Owners.	Port.	Managers.	Males.		Females.		1889.	1890.		1889.	1890.	Commenced.	Ended.	
					French.	Native.	French.	Native.								
1. Brig Bay ..	Sept. 23	Société des Pêcheurs de Terre-Neuve	..	Phillips	43	..	..	..	957	550	2,500	4	6	June 1 (about)	Oct. 15	Traps are set round Old Ferolle and St. Margaret's Bay.
2. Bartlett's Harbour .. (Jean Marks' Baie)	" 23	A. Lemoine	St. Malo	Landgren	23	..	..	..	789	510	700	3½	5	June 25	" 10	Traps set from White Island to Doctor's Brook.
3. St. John's Island (Barred Harbour), Sesostris Bay included	" 23	A. Lemoine	St. Malo	Dameral	6	..	..	..	945	1,400	3,000	3	3	" 17	" 20	Traps set at Whale Island round St. John's Island, and off mainland to Doctor's Brook.
4. Port-aux-Choix ..	" 24	A. Lemoine	St. Malo	Belin	4	..	..	..	300	300	800	4½	6	May 23	" 10	Traps set at Savage Island, Barbacé, and Bustard's Cove.
5. Port-aux-Choix ..	" 24	Guibert et Fils	St. Malo	Vilala	64	..	..	..	480	450	600	4½	5	" 21	" 15	Traps set round Point Riche, Barbacé Point, and Gargamelle Cove.
6. Clambank Cove ..	Oct. 4	Tageon ..	St. Pierre	Tageon	2	10	..	..	..	300	400	..	3	June 20	" 1	Traps set in and around the Cove.

(Signed) D. M. N. RIDDEL, Commander.

"Pelican," at Bay St. George, October 9, 1890.

Inclosure 7 in No. 28.

Lieutenant-Commander Gray to Captain Sir B. Walker.

Sir,

"Forward," at St. John's, October 15, 1890.

IN accordance with your sailing orders, dated the 1st September, I have the honour to forward a Report on the lobster factories on the north-east coast of Newfoundland.

2. I could hear of no others likely to be established next year.

I have, &c.

(Signed) S. W. A. H. GRAY.

Inclosure 8 in No. 28.
LOBSTER Factories on the North-East Coast.

No.	Name of Place.	Date.	Owners.	Where from.	Manager.	Employ.			Catch.		Number of Traps.	Position (where placed).	Remarks
						Girls.	Men.	Fisher-men.	1889.	1890.			
..	Coachman's Cove..	1890. Oct. 3	Robert Scott ..	Fogo ..	Fredk. Scott ..	5	2	3	Cases. 5	Cases. 100	200	Coachman's Cove and Bay Verte	Commenced working the 10th August, 1890.
..	Ming's Bight ..	4	Fearn..	St. John's ..	E. Matthews ..	4	2	2	Nil	30	280	Ming's Bight and Bay Verte	

(Signed) SCOTT W. A. H. GRAY, Lieutenant-Commander.

No. 29.

Admiralty to Foreign Office.—(Received November 22.)

Sir,

Admiralty, November 17, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, copy of a letter from Captain Sir B. Walker, dated the 22nd October, forwarding correspondence with the French Commodore on the working of the *modus vivendi*.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 29.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir,

"Emerald," at Halifax, October 22, 1890.

IN forwarding the correspondence with the French Commodore on the working of the *modus vivendi*, I have the honour to offer the following explanations:—

1. On the opening of the season I found that there were in all about forty factories in different stages of advancement, and of these about thirty-five were desirous of operating; as a set-off against this great number of English there was only one French factory, and that of small dimensions. Should the French Senior Officer, therefore, withhold his assent and desire the arrangement to be carried out in its entirety the hardship entailed would be very great, and, in many instances, cause the ruin of the small proprietors.

2. The question also of the transference of ownership of a factory from an English subject to a firm claiming to be French, and to have the factory worked under that nationality, further complicated matters, it being situated in the midst of several new English ones.

3. Under the above circumstances, I considered it my duty to see the French Senior Officer, and to make the most advantageous terms possible for Newfoundland.

4. The entire negotiations were carried out verbally, and the exchange of letters that took place was the outcome of decisions previously agreed on. The result of the conference was that in consideration of the recognizing of the new French factory no objections would be made to the small English ones, which were to be treated as non-existent. The Commodore further explained, in view of the great number of new English establishments, he must formally request the closing of the three he notified; he also mentioned that he believed that there were several to the north of Bonne Bay, and he would probably have to request that some of these be closed.

I then informed him that in the case of three, which he requested me to name in my letter, building operations had been suspended since March, and therefore they could not in any case be ready for some time.

5. The new French factory was formally exchanged with an English one, and on my representation of the circumstances relating to the supposed transfer of the McFatrige factory, the Commodore informed me he did not recognize it as a French establishment.

6. The next question that presented itself was the allotment of fishing grounds; this, in the case of St. Margaret's Bay and to the north, owing to the harmony that prevailed, was unnecessary. At John Meagher's Cove, where a boundary already existed, I have had to give way to the disadvantage of the English factory.

The inclosed tracing explains matters. The French Senior Officer stated that last season he claimed the boundary marked in black, whereas I gave that marked in red, so the dotted line was accepted by both.

7. By the above arrangements, which admitted the intermixing of the French and English trawls in St. Margaret's Bay and to the north, complaints of hindrance to the legitimate French fishing were avoided, and, by a compromise in John Meagher's Cove, which satisfied the French, the chance of like complaints on this portion of the coast was avoided.

8. The *modus vivendi* was, I regret to say, broken by McDonald, who has a factory in St. George's Bay on the north side: this closed on the receipt of the order on the 17th June, and remained so until I had left the vicinity, when he recommenced operations, but being on a small scale, he did so unobserved. Mr. Chetwynd, of Halifax, also transferred a portion of his factory from Current Island to Caribou Point, Castor's River,

in the middle of August, but Lieutenant Weigall, on the receipt of the Commodore's letter, very rightly went immediately and ordered him to stop building operations. This he promised to do, and when I visited the place on the 19th September no further work had been done on it. The building erected was the cook-house; the factory proper had not been commenced.

9. With reference to the factories mentioned in the correspondence, I would observe the Coal River one did not come under the prohibition, as it was in operation in June 1889, though it had escaped our notice.

The factory at Eddy's Cove, belonging to Mr. Young, I arranged at Halifax in April last, should have no further steps taken towards its completion.

When the "Emerald" and "Pelican" visited Cow Head, Fearn's factory was incomplete, and no one there. However, it worked later on in the season, and was not objected to by the Commodore, but I am not sure that he visited the place.

No attempt was made to proceed with the buildings at Pond's River, the stage being the only visible portion. Mr. Fearn verbally informed me that he did not complete it, as the traps of the Port Saunders' factory occupied the fishing-grounds.

10. I would most respectfully offer the following suggestions:—

Should no permanent arrangement with reference to the lobster industry be arrived at before the commencement of next season, I think the *status quo* of 1890 should be maintained.

Lobster factories or fisheries not forbidden during this season should be permitted to continue their operations, but no new fisheries nor any transference of factories or fisheries to other sites should be permitted pending a final settlement of the question.

11. Some of the factories at present working, as well as those preparing to do so next season, have the express intention of endeavouring to obtain damages by legal process should the naval officers interfere with their operations. I consider it would be for the general good, and more likely to insure tranquillity on the coast, if powers, about which there could be no question, were given to naval officers for carrying out Treaty obligations, and giving effect to any arrangement that might be entered into between the respective Governments. It would also stop this speculative trade for damages which has been embarked on, encouraged by the present situation, and the false statements circulated in the local press, and inserted in the London "Standard," that damages had been voluntarily paid to James Baird on account of my action in closing the Fischel's Brook factory.

12. Finally, I have much pleasure in testifying to the harmonious working of the arrangement, and the cordial relations that have existed between the officers of the two nations. The conciliatory attitude of the French Commodore, and the officers under him, and the forbearing manner in which they have conducted their duties, notwithstanding considerable provocation due to the misrepresentations of the press, have caused this season, I believe, to be one of the quietest of late years.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 29.

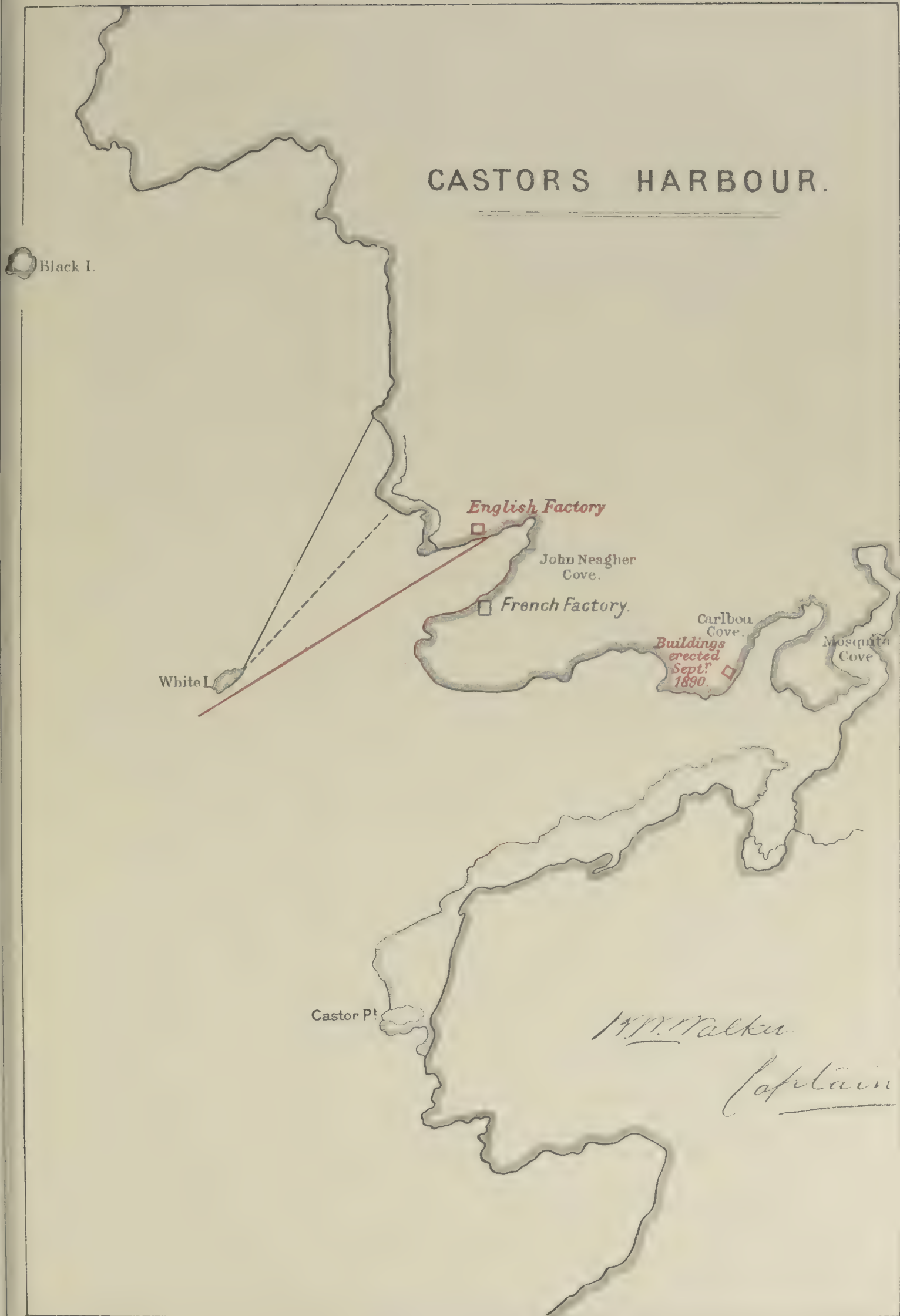
Sketch of Castor's Harbour.

Inclosure 3 in No. 29.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, "Le La Pérouse," Port Saunders, le 13 Juin, 1890.

PENDANT la tournée que je viens de faire sur la côte ouest de Terre-Neuve, j'ai pu constater que les homarderies Françaises qui y fonctionnent cette année sont les mêmes que celles de l'année dernière, sauf cependant celle qui appartient à M. Tajan, qui est de création nouvelle, et se trouve située dans l'Anse à la Vierge (Clam Bank Cove), au nord de la montagne de la Tête Ronde de Port-à-Port. Cette petite homarderie n'occupe, d'ailleurs, que trois pêcheurs.



D'autre part, j'ai à vous signaler l'existence sur la côte des homarderies Anglaises nouvelles suivantes :—

1. Red Brook, côte sud de la Baie Saint-Georges.
2. Ruisseau Fischelle, côte sud de la Baie Saint-Georges.
3. " " " " côte nord de la Baie Saint-Georges (située à 2½ milles environ dans l'est de Ship Cove).
4. Rivière au Charbon, au nord de Port-à-Port.

Je vous proposerai, en conséquence, M. le Commandant, pour nous conformer aux termes du *modus vivendi*, de vouloir bien accepter l'échange suivant. La homarderie Française de Tajan serait autorisée à pêcher, et d'autre part, la même autorisation serait donnée à une usine Anglaise nouvelle, celle de Red Brook, par exemple, qui paraît avoir à peu près la même importance. Quant aux autres usines Anglaises nouvellement établies sur la côte, et qui ne sont pas contre-balancées par des homarderies Françaises nouvelles, je ne vois aucune raison pour ne pas leur appliquer les prescriptions du paragraphe 3 du *modus vivendi*.

Les contrariétés que nous avons rencontrées dans notre tournée par suite du mauvais temps qui a régné, et de la présence dans le golfe d'une quantité inusitée de glaces, ne me permettent pas de considérer mon exploration de la côte ouest comme absolument terminée, et je suis obligé, M. le Commandant, de me réserver de vous signaler dans la suite les infractions nouvelles au *modus vivendi* que je pourrai constater, si toutefois il en existe d'autres.

La pêche étant à peine commencée aucun fait de concurrence ne m'a encore été signalé ; il me semble, au contraire, voir poindre de tous côtés des indices de bonne harmonie entre les pêcheurs de homard des deux pays.

Agréé, &c.
(Signé) A. MARÉCHAL.

(Translation.)

M. le Commandant, "La Pérouse," at Port Saunders, June 13, 1890.

DURING the cruize I have just made on the western coast of Newfoundland I have been in a position to ascertain that the lobster factories at work there this year are the same as those of last year, with the exception, however, of the one belonging to M. Tajan, which is newly established and is situated in the Clam Bank Cove, to the north of the mountain of Tête Ronde at Port-à-Port. I may add that this little lobster factory only employs three fishermen.

On the other hand, I have to draw your attention to the existence on the coast of the following new British lobster factories :—

1. Red Brook, south coast of the Bay of St. George.
2. Fischel's Brook, south coast of the Bay of St. George.
3. " " " " north coast of the Bay of St. George (situated about 2½ miles to the east of Ship Cove).
4. Coal River, to the north of Port-à-Port.

I would therefore propose to you, M. le Commandant, in order to conform to the terms of the *modus vivendi*, that you should agree to the following compromise : The French lobster factory of Tajan should be authorized to fish, and, on the other hand, the same authorization should be granted to some new English factory, that of Red Brook for instance, which appears to be of about the same importance. As for the other English factories, newly established on the coast, and which are not counter-balanced by new French lobster factories, I see no reason why the provisions of paragraph 3 of the *modus vivendi* should not be applied to them.

In consequence of the difficulties we met with during our cruize owing to the bad weather, and to the unusual quantity of ice in the bay, I cannot consider my exploration of the east coast as absolutely concluded, and I am obliged, M. le Commandant, to reserve to myself the power of calling your attention hereafter to any fresh infractions of the *modus vivendi* which I may ascertain, should any exist.

As the fishing has hardly yet begun, no instance of competition has yet been brought to my notice ; it seems to me, on the contrary, that on all sides signs of harmony between the lobster fishers of the two countries are becoming manifest.

Receive, &c.
(Signed) A. MARÉCHAL.

Inclosure 4 in No. 29.

Captain Sir B. Walker to Captain Maréchal.

Sir,

"Emerald," at Port Saunders, June 13, 1890.

IN answer to your letter of the 13th instant, in which you inform me of the existence of a new small French factory belonging to M. Fagan at Clam Bank Cove, Port-à-Port, also suggesting an exchange with the new established English factory situated at the Red Brook, Bay St. George, I have much pleasure in acceding to your proposal, which seems to me to be an equitable one.

With reference to the other new English factories, I have the honour to inform you that the factories in question, situated at Fischel's Brook, south side Bay St. George, Coal River, north of Port-à-Port, shall be forbidden to carry on their operations; intimation to this effect has already been given.

The other one mentioned in your letter has escaped my notice, and, as you are well aware, information on this subject is difficult to obtain; I cannot yet say whether it was established last year or not, but I will make it my immediate business to discover, and, should it be, as you suppose, a newly-established one, it shall cease operations.

I will take care to inform you of the result as soon as I have made my inspection.

Other English factories were in the course of erection, but their further progress has been stopped; these are situated at Old Man's Cove, Eddie's Cove, Bay St. John, Pond's River, Mall Bay, Cow Head.

It is with much pleasure that I am able to indorse your views as to the good feeling which at present exists between the fishermen of the two nations, thus rendering any allotment of grounds unnecessary.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 5 in No. 29.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant,

"Le La Pérouse," Port Saunders, le 3 Août, 1890.

J'AI l'honneur de vous signaler, pour en obtenir le redressement, une petite infraction aux dispositions du *modus vivendi*.

Les pêcheurs des usines Chetwynd, de Sainte-Marguerite, et Shearer, de Brig Baie, viennent de s'installer depuis quelques jours aux Îles aux Renards et aux Îles Jumelles de la Baie Saint-Jean, inoccupées jusqu'à ce moment.

Pour se conformer aux dispositions du *modus vivendi* nos capitaines s'étaient abstenus d'envoyer des pêcheurs sur ces îles cette année et ils se plaignent vivement aujourd'hui de cette main-mise sur des fonds de pêche de la Baie Saint-Jean, qui engage l'avenir de leurs opérations.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

M. le Commandant,

"La Pérouse," at Port Saunders, August 3, 1890.

I HAVE the honour to bring to your notice, with a view to redress, a slight infraction of the provisions of the *modus vivendi*.

The fishermen of the Chetwynd factory of St. Margaret and the Shearer factory of Brig Bay established themselves a few days since on Fox Islands and Twin Islands in the Bay of St. John, which were unoccupied until then.

Our captains, in order to conform to the provisions of the *modus vivendi*, had this year refrained from sending fishermen to these islands, and now bitterly complain of this seizure of the fishing-grounds of the Bay of St. John, which affects the prospects of their future operations.

Receive, &c.

(Signed) A. MARÉCHAL.

Inclosure 6 in No. 29.

Captain Sir B. Walker to Captain Maréchal.

Sir,

"Emerald," at Port Saunders, August 4, 1890.

I HAVE the honour to acknowledge the receipt of your letter, informing me of the infractions under the *modus vivendi*. I regret that the misapprehension as to the arrangement should have occurred, though quite unintentional.

The grounds that were allotted at John Meagher's Cove this year to the English factories were the same as last season, I having issued no fresh instructions, except the slight modification in favour of the French factory, of which you are aware; when giving my orders to the Managers I informed them Fox Island might be occupied, that being their limit; I trust, therefore, this explanation will prove satisfactory. With reference to Twin Islands, I will see that they are vacated immediately. I was unaware that any of the employés of the factories had established themselves on these islands, or I should have taken measures to have them removed.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 7 in No. 29.

Captain Maréchal to Captain Sir B. Walker.

"Le La Pérouse," Bonne Baie de Saint-Jean,
le 29 Août, 1890.

M. le Commandant,

J'AI l'honneur de vous informer que depuis le 9 Août courant Mr. Chetwynd a fait élever une nouvelle homarderie dans la Baie aux Castors, sur la Pointe du Caribou.

En agissant ainsi il a sciemment contrevenu aux dispositions du *modus vivendi*, et j'ai l'honneur de vous demander de vouloir bien lui ordonner de supprimer cette construction bâtie sur le rivage du "French Shore," opération qui lui sera d'ailleurs plus facile encore à effectuer que celle qu'il vient de faire.

J'ai remis aujourd'hui, 29 Août, à Mr. Chetwynd lui-même, une protestation officielle, le requérant d'avoir à cesser la construction de son usine, et l'informant que, pas plus cette année que l'année prochaine, il n'aurait le droit de pêcher dans ces parages, où les Français exercent leur industrie, et particulièrement la pêche du saumon de temps immémorial.

Mr. Chetwynd déclare qu'il n'a pas l'intention d'occuper son usine cette année, et qu'il ne compte pêcher que l'année prochaine. Il se place avec préméditation dans les mêmes conditions que Mr. Young, de l'Anse du Vieillard (Eddies Cove).

Vous avez bien voulu, en effet, arrêter la construction de cette dernière usine, mais les maisons déjà élevées restent en place, tous les matériaux nécessaires pour la construction du reste de la factorerie sont sur les lieux, Mr. Young vient de temps en temps s'assurer du bon état de son bien et tout est prêt pour que le *modus vivendi* ayant pris fin, il puisse rapidement achever son œuvre et acquérir un semblant de droit de séjour sur ce point du "French Shore."

Il est donc facile à comprendre que Messrs. Young et Chetwynd veulent se trouver l'année prochaine, au début de la saison de pêche, chacun à la tête d'une usine dans la Baie de Saint-Jean, et qu'ils se préparent dès aujourd'hui d'une manière détournée à violer les Traités au détriment des Français.

Je me permets de vous rappeler, M. le Commandant, que les faits dont je viens vous entretenir sont tellement en désaccord avec les clauses des Traités, et avec l'interprétation qu'en a été faite par la plus haute autorité de l'Angleterre, le Roi George III, que je ne puis croire qu'ils reçoivent l'assentiment du Gouvernement actuel de la Grande-Bretagne; et je vous demande de vouloir bien intervenir et prendre telles mesures que vous jugerez convenables pour prévenir l'action déloyale des entrepreneurs Anglais et assurer à nos pêcheurs de la Baie Saint-Jean, aujourd'hui comme dans l'avenir, le libre exercice de leur pêche, auquel ils ont d'autant plus droit sur ce point qu'ils ne l'ont jamais abandonné.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

"La Pérouse," at Good Bay of St. John,
August 29, 1890.

M. le Commandant,

I HAVE the honour to inform you that since the 9th August Mr. Chetwynd has had a new lobster factory constructed in Beavers Bay at Caribou Point.

In acting thus he has wittingly contravened the provisions of the *modus vivendi*, and I have the honour to ask you to be good enough to order him to demolish this building erected upon the coast of the "French Shore," an operation which, moreover, will be yet easier to him than the one he has just performed.

I have to-day conveyed to Mr. Chetwynd himself an official protest requesting him to cease building his factory and informing him that neither this year nor next will he have the right to fish in that neighbourhood, where the French have plied their business, especially that of salmon-fishing, from time immemorial.

Mr. Chetwynd declares that he has no intention of occupying his factory this year, and that he does not expect to fish till next year. He purposely places himself in the same position as Mr. Young, of Eddies Cove.

You have indeed been good enough to stop the construction of this latter factory, but the houses already erected are still there, all the materials needful for the construction of the rest of the factory are on the spot, Mr. Young comes from time to time to assure himself that his property is in good condition, and all is ready for him to complete his work with speed at the conclusion of the *modus vivendi*, and to obtain a semblance of right of settlement upon this point of the "French Shore."

It is thus clear that Messrs. Young and Chetwynd wish next year, at the commencement of the fishing season, to be each at the head of a factory in the Bay of St. John, and that they are now already preparing in an indirect manner to violate the Treaties to the detriment of the French.

I take the liberty of reminding you, M. le Commandant, that the facts that I have just mentioned to you are so much at variance with the clauses of the Treaties and with the interpretation which has been given of them by the highest authority in England, King George III, that I cannot believe that they have the approval of the present Government of Great Britain; and I beg you to have the goodness to intervene and to take such measures as you may deem suitable to prevent the disloyal action of English capitalists ("entrepreneurs"), and to assure to our fishermen in the Bay of St. John, now as in the future, the free exercise of their fishery, to which they are all the more entitled on the ground that they have never abandoned it.

Receive, &c.
(Signed) A. MARÉCHAL.

Inclosure 8 in No. 29.

Captain Maréchal to Lieutenant Weigall.

M. le Capitaine,

J'AI l'honneur de vous envoyer ci-joint la protestation que j'adresse au Commandant Sir Baldwin Walker, contre la violation du *modus vivendi* dont Mr. Chetwynd vient de se rendre coupable, en élevant du 9 au 25 Août une homarderie dans l'Anse aux Castors (Beavers' Bay) à la Pointe du Caribou.

Je vous serai obligé de vouloir bien prendre connaissance de ce document afin qu'en l'absence d'un croiseur de Sa Majesté Britannique vous puissiez prendre telle mesure que vous jugerez convenable pour obliger Mr. Chetwynd à respecter les engagements pris par nos deux Gouvernements.

Recevez, &c.
(Signé) A. MARÉCHAL.

(Translation.)

M. le Capitaine,

I HAVE the honour to send you herewith the protest I am addressing to Captain Sir Baldwin Walker against the violation of the *modus vivendi* of which Mr. Chetwynd has just been guilty, by erecting, between the 9th and 25th August, a lobster factory in Beaver's Bay at Caribou Point.

I should be obliged if you would be good enough to take note of this document, in order that in the absence of a cruiser of Her Britannic Majesty you may be able to take such measures as you may deem fitting to oblige Mr. Chetwynd to respect the engagements undertaken by our two Governments.

Accept, &c.
(Signed) A. MARÉCHAL.

Inclosure 9 in No. 29.

Captain Sir B. Walker to Captain Maréchal.

Sir, "Emerald," at Port-aux-Choix, September 15, 1890.

I HAVE the honour to acknowledge the receipt of your letter of protest with regard to the erection of a factory by Mr. Chetwynd at Caribou Point, Castor's Bay, and regret the action taken by the above person.

Mr. Chetwynd was expressly informed by me that no factory was to be erected this season, and even should he desire to do so after the termination of the *modus vivendi* it would be at his own risk, with the probability of his being prevented from operating should it interfere with the Treaty rights.

Lieutenant Weigall has already given orders to Mr. Chetwynd to cease the building operations, and the "Pelican" will visit the place to see the orders carried out.

With reference to Mr. Young's factory, I would point out that nothing further has been done towards the completion of this factory since March after the publication of the *modus vivendi*.

I at the same time wish to assure you, on behalf of Her Majesty's Government, that the undisputed Treaty rights of your countrymen will be upheld, and interruption to their acknowledged fishing operations prevented.

I have, &c.
(Signed) B. W. WALKER.

No. 30.

Admiralty to Foreign Office.—(Received November 22.)

Sir, Admiralty, November 21, 1890.

AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State, that a letter from the Vice-Admiral commanding the North American Station dated the 5th instant,* forwarding the Report of the Senior Naval Officer employed on the Newfoundland fisheries during the past season, has been sent to the Colonial Office, with a request that when this correspondence has been printed copies may be forwarded to your Department as well as to their Lordships.

My Lords desire me to add that they propose to approve of the proceedings of the officers commanding Her Majesty's ships engaged on this service, and they will be glad to learn if the Secretary of State concurs in this proposal.

I am, &c.
(Signed) EVAN MACGREGOR.

No. 31.

Colonial Office to Foreign Office.—(Received November 24.)

Sir, Downing Street, November 22, 1890.

WITH reference to complaints of the interference of Mr. Shearer's lobster fishery with French fishing operations in Newfoundland, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing a Report by Sir B. Walker upon this matter.

I am, &c.
(Signed) JOHN BRAMSTON.

* See Inclosures 2 to 15 in No. 37.

Inclosure 1 in No. 31.

Admiralty to Colonial Office.

Sir,

Admiralty, November 14, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for the Colonies, copy of a letter from Captain Sir Baldwin Walker, dated the 24th October, with copies of its inclosures, respecting alleged interference caused by Mr. Shearer's lobster fishery with French fishing operations.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 31.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir,

"Emerald," at Halifax, October 24, 1890.

IN accordance with Admiralty letter of 13th September, 1890, directing me to inquire into the alleged interference with the French fishing operations by Mr. Shearer's lobster fishery, I have the honour to report as follows.

On the 8th June I received the inclosed letter from the French Senior Officer, complaining of the English traps, but I considered the position taken up so untenable that, after having answered the letter, I gave the matter no further consideration, as I felt convinced that, with the precautions adopted, no real interference could possibly occur.

In addition to the arguments used to the French Commodore, I would also point out that Ingarnachoix Bay was enveloped in ice between the 5th and 7th June. During two of these days a large ice-field, which extended from Gargamelle Cove to north portion of Mall Bay, and closed the mouth of Port Saunders' Harbour, effectually prevented any fishing operations.

I have called for a Report from Lieutenant Weigall, who arrived at Port Saunders on the 23rd May, before the French commenced work, from which it will be seen that up to the 4th June there were only two trawls to the seaward portion of Keppel Island.

No further trawls were set in the bay until about the 11th, the fishermen being afraid of the ice.

The French bateaux arrived to seine herring just as the ship was leaving on the 9th, but every trap that could possibly interfere with them had been lifted.

The torpedo-boat was ready with steam up, and Lieutenant Weigall personally saw the seine-master of every boat, and asked him if any trawls were in the way, to prevent the slightest chance of complaint.

When I visited Port-au-Choix on the 14th I saw the French Prud'hommes, and myself asked if their operations had been interfered with in any way, and the answers from them all were in the negative.

When the inclosed tracing, in which the English fishing ground are shaded, is consulted, it will be seen that the assertion that the English traps covered the bay, even supposing the fishermen had availed themselves of the grounds which they were permitted to occupy, would hardly be considered a just representation of the case; but as a matter of fact only two trawls were in the bay, all the rest being set inside a line drawn from Two Hill Point to Hawke Point (the black line in the tracing).

The traps of the Brig Bay factory occupied the same grounds as the French factory at that spot, the trawls being intermixed.

Interference on this portion of the fishery could therefore hardly be sustained.

The fishing-grounds of the other factory situated at John Meagher's Cove are alone left to be dealt with, and except that an English lobster-trawl was set on the ground allotted to the French, and a question under the *modus vivendi* as to the occupation of the Fox Islands and the erection of buildings at Caribou Point, no complaints were made, though the French factory was visited on several occasions and the Prud'homme invariably interrogated.

Referring to the Commodore's letter of the 24th June to Commander Riddel, in which he makes mention of the English traps, especially naming Trapper's Cove, I may add that this portion of the coast is quite unfitted for seining purposes, and the French Senior Officer, previous to this letter, acknowledged it to be the case in course of a conversation with Lieutenant Weigall on the subject of the Port Saunders' factory fishing-grounds.

The beacon to mark the limit of the English fishing-grounds was purposely moved this season close to the west point of Trapper's Cove from a position half-way between that point and Eboulement Point, with a view of preventing any possible interference.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 3 in No. 31.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant,

Port Saunders, le 8 Juin, 1890.

EN 1888 M. le Capitaine de Vaisseau Hamond, Chef de la Division Navale Anglaise, reconnaissant lui-même que les pêcheurs Français de morue et de ses appâts étaient gênés par les casiers Anglais de l'usine Shearer de Port Saunders, avait imposé certaines limites à l'exploitation de cette maison.

Au début de la campagne de l'année dernière, vous avez déclaré, M. le Commandant, que ces ordres étaient encore en vigueur, puis revenant sur votre déclaration, vous avez étendu les limites de l'exploitation Shearer au détriment de nos nationaux.

Il résulte de ces mesures que nos pêcheurs sont encore profondément troublés dans leurs opérations de pêche à la Baie d'Ingarnachoix. La certitude qu'ils ont d'y rencontrer toujours et partout sur leur chemin des casiers Anglais est pour eux non seulement une gêne permanente à l'action de leur pêche, mais aussi une grande cause de trouble dans l'économie générale de leurs opérations. Comment risquer en effet de perdre son temps à courir après le poisson si, l'ayant aperçu, on ne peut le pêcher qu'après avoir prié Mr. Shearer de retirer ses casiers.

Telle est cependant la situation créée à nos pêcheurs de morue Français dans une baie qu'ils exploitent depuis presque un siècle sous la garantie des Traités et de la Déclaration du Roi Georges.

Le palliatif que vous avez employé en 1889 dans un but de conciliation, je le reconnais, et que vous appliquez de nouveau cette année avec un torpilleur à la place d'une chaloupe à vapeur, n'est vraiment une garantie que pour vos nationaux, car ainsi que j'ai eu l'honneur de vous le dire l'année dernière, pour obliger les pêcheurs Anglais à relever leurs casiers afin de laisser les Français seiner en boëtte, ce petit bâtiment commencera infailliblement son œuvre de protection des droits Français en chassant le poisson devant nos pêcheurs. C'est la morue et ses appâts que nos hommes pêchent dans la Baie d'Ingarnachoix et c'est la morue et ses appâts que ce petit bâtiment chassera, laissant le champ libre au homard et aux pêcheurs de homard Anglais.

Ce palliatif n'est donc qu'un accroissement de gêne pour nos nationaux, qu'on éloigne ainsi de la Baie d'Ingarnachoix sous prétexte de les protéger dans l'exercice de leurs droits.

L'année dernière nos pêcheurs de morue n'ont pas été gênés seulement par les casiers de Mr. Shearer; un vapeur Anglais du Labrador, venu par hasard au moment du caplan, pour y chercher du bois, a opéré sur les fonds de pêche réservés aux Français par les Traités des razzias de boëtte au grand détriment de nos capitaines, qui en ont été privés et s'en sont plaints amèrement.

Les pêcheurs à gage de Mr. Shearer de l'Anse de Garganelle se sont empressés d'aider ce vapeur, et rien ne saurait vraiment mieux démontrer la nécessité qu'il y a de rentrer dans le droit que cette violation ouverte des garantis des Traités par le premier passant venu. Pourquoi le "Neptune" plus que Shearer s'inquiéterait-il de la gêne qu'il peut imposer aux pêcheurs de morue Français?

J'ajouterai enfin que ce que les officiers des Divisions Navales Françaises ont prévu se produit: l'établissement de l'usine Shearer dans une baie inhabitée et où jusqu'à ce moment les Français seuls avaient pêché, a créé un centre autour duquel un noyau de population se forme; aujourd'hui, on compte auprès de l'usine Shearer huit ou dix habitations et les bois sont brûlés dans les environs pour commencer les défrichements.

En présence d'une situation qui aggrave chaque jour le trouble apporté à notre pêche de la morue et de ses appâts, je me vois obligé, M. le Commandant, de protester non seulement contre la présence de l'établissement Shearer dans la Baie d'Ingarnachoix, mais encore contre la création d'un centre Terre-Neuvien sur ce point au milieu d'une partie de la côte réservée que nos pêcheurs n'ont jamais cessé d'exploiter sans être gênés. Cette double fondation est absolument contraire aux garanties formulées par les Traités que, j'en suis certain, vous n'avez pas moins à cœur que moi de faire respecter.

Agréé, &c.

(Signé) A. MARÉCHAL.

(Translation.)

M. le Commandant,

Port Saunders, June 8, 1890.

IN 1888 Captain Hamond, commanding the English Naval Division, recognizing himself that French fishermen engaged in fishing for cod and its bait were hampered by the English traps of the Shearer factory of Port Saunders, imposed certain limits on the operations of that house.

At the commencement of last year, M. le Commandant, you declared that these orders were still in force; then, rescinding your declaration, you extended the limits of Mr. Shearer's operations to the detriment of our countrymen.

The result of these measures is that our fishermen are still greatly impeded in their fishery operations in Ingarnachoix Bay. The certainty that they will always and everywhere find English traps in their way is not only a permanent inconvenience to their fishing, but also a serious cause of trouble to the general plan of their operations. How can they risk the loss of their time in pursuing fish if, when they have sighted it, they can only catch it after having begged Mr. Shearer to withdraw his traps?

Such is, nevertheless, the situation created for our French cod-fishermen in a bay where they have been at work for nearly a century under the guarantee of the Treaties and the Declaration of King George.

The palliative remedy which you employed in 1889 with a conciliatory object I admit, and which you again apply this year by means of a torpedo-boat in place of a steam-launch, is really a guarantee only for your countrymen, for, as I had the honour to point out to you last year, in order to oblige the English fishermen to raise their traps so as to let the French lay their seines for bait, this little vessel will assuredly commence its work of protection of French rights by driving away the fish before our fishermen. It is for cod and its bait that our men fish in Ingarnachoix Bay, and it is the cod and its bait that this little vessel will drive away, leaving the field clear for the lobster and the English lobster fishermen.

This palliative is thus only an additional inconvenience for our countrymen, who are by this means excluded from Ingarnachoix Bay under pretext of protection in the exercise of their rights.

Last year our cod-fishers were not annoyed by the traps of Mr. Shearer alone; an English steamer from Labrador, which happened to arrive in search of wood at the moment when the capelin was sighted, committed raids on the bait fishery grounds reserved to the French by the Treaties, to the great detriment of our captains, who have been deprived of it, and have bitterly complained.

The fishermen in Mr. Shearer's employ at Gargamelle Cove hastened to assist this steamer, and nothing could more clearly show the necessity which exists for a return to law and order than this open violation of the Treaty guarantees by the first comer. Why should the "Neptune" take more notice than Shearer of the inconvenience caused to the French cod-fishers?

I should also add that what the officers of the French naval divisions foresaw has actually occurred; the establishment of the Shearer factory in an uninhabited bay, where hitherto the French alone had fished, has created a centre round which a small population is forming; to-day, one can count eight or ten dwellings near the Shearer factory, and the woods in the neighbourhood are being burnt to commence the clearings.

In face of a situation which daily aggravates the detriment caused to our fishery for cod and its bait, I feel myself obliged, M. le Commandant, to protest, not only against the presence of the Shearer establishment in Ingarnachoix Bay, but also against the creation of a Newfoundland centre at this spot, on a part of the coast reserved to our fishermen, who have never ceased to operate there without interruption. This two-fold establishment is absolutely contrary to the guarantees formulated by the Treaties, the enforcement of which, I am certain, you have no less at heart than myself.

I am, &c.

(Signed) A. MARÉCHAL.

 Inclosure 4 in No. 31.
Captain Sir B. Walker to Captain Maréchal.

Sir,

"Emerald," June 13, 1890.

I HAVE the honour to observe, in reply to your letter of the 8th June, in which you complain that your fishermen are much troubled in their fishing operations in Ingarnachoix Bay by the certainty they have of finding in their way always and everywhere the English

PORT SAUNDERS
AND
KEPPEL AND HAWKE HARBOURS.

TINTED PORTION SHOW FISHING GROUNDS OF PORT SAUNDERS FACTORY.
TRAWLS INSIDE BLACK LINE EXCEPT TWO MARKED UP TO 11 JUNE.

M. J. Walker.

INGORNACHOIX
BAY

Beacon erected to mark
Fishing ground.

PORT SAUNDERS

Factory

Two Mill
Point

Saunders Pt
Beacon

KEPPEL I.

KEPPEL HARBOUR

Beacon
Keppel Pt

Hawke Pt

Beacon
erected to mark Fishing ground

HAWKE HARBOUR

HAWKE BAY

traps, I am at a loss to understand how the above can occur, as the practical effect of the limitations placed on the grounds of the English factory is that the whole of Ingarnachoix Bay (except about 1 mile of the coast), also Keppel Harbour, is prohibited to English traps; and as only a small portion of the unoccupied waters have been used by your fishermen, I do not feel justified in further restricting the operations of the English factory on the possible contingency of the French being desirous of occupying these waters.

I may add that at no time after the restrictions placed on the English factories by Captain Hamond in 1888, nor during the whole of last season, did the French fishermen show any desire whatever of fishing in the waters now occupied by the English traps, and, moreover, should they do so, the precautions I have taken will insure, without any fear of driving the fish away, the certain and speedy lifting of any traps on grounds that your fishermen are desirous of using.

With reference to the palliative measure which you are good enough to recognize as a *bond fide* effort to insure your Treaty rights being observed, I have the honour to point out that the presence of this boat in itself insures my orders being carried out by the inhabitants, thus making the constant outside patrol unnecessary.

I would further add that steam-trawlers are coming more into use every day for fishing purposes, and, far from driving the fish away, they obtain better catches. There has also been no apparent interference with the cod and the bait at New Ferolle and St. Margaret's Bay by the steam-boat connected with the French factory at Brig Bay, though constantly on the move; this has, I hear, worked with such success, that another is this year attached to the French factory on St. John's Island. I, therefore, cannot think that an English steam-boat stationed at Port Saunders, where work will be only occasional, can have the disastrous effects you anticipate. The burning of the woods in the neighbourhood of the factory to which you refer was accidental, and a report of the whole circumstance was made to me last season by the officer stationed at Port Saunders.

The new houses you observed at the above port were those of families who up to the present have been living at Port-au-Choix, and were at some time gardiens for the French rooms there.

With reference to the taking of bait by the "Neptune," the captain of her informed Captain Russell that there were no French boats anywhere near at the time, or he would not have done so, and he expressed his regret that he had caused any hindrance. As to the further matters contained in your letter: as I understand the whole matter is at present under the consideration of our respective Governments, I am sure you will agree that these details had better be left to their decision.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 5 in No. 31.

Lieutenant Weigall to Captain Sir B. Walker.

Sir,

"Emerald," at Halifax, Nova Scotia, October 21, 1890.

IN compliance with your order requiring information as to the position of trawls of the Port Saunders' lobster factory, and whether the French had been desirous of occupying the waters in which traps of the above factory were set up to the time of your arrival on the 4th June, I have the honour to report as follows.

From my arrival on the 23rd May until that of Her Majesty's ship "Emerald" on the 4th June, no lobster trawls were laid in Ingarnachoix Bay to the northward of Two Hill Point. Two trawls were laid to seaward of Keppel Island. The first arrival of French bateaux on the look out for herring was on the 9th June. I interviewed the chef of each boat to ascertain if any trawls were in the way. On this and every subsequent occasion they replied in the negative.

In 1889, no seining or fishing operations were attempted by the French in the vicinity of Port Saunders except in Keppel Harbour (middle arm) and Ingarnachoix Bay, at least a mile to the northward of Two Hill Point.

I have, &c.
(Signed) STEWART C. WEIGALL.

Inclosure 6 in No. 31.

Tracing of Port Saunders and Keppel and Hawke Harbours.

Colonial Office to Foreign Office.—(Received November 29.)

Sir,

Downing Street, November 28, 1890.

WITH reference to the negotiations with the Government of France for a settlement of the Newfoundland Fishery question, I am directed by Lord Knutsford to transmit to you herewith, for the information of the Marquis of Salisbury, the paraphrase of a telegram which his Lordship has addressed to the Governor of Newfoundland upon the subject.

I have, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 32.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.)

Downing Street, November 27, 1890.

IN pursuance of the wish of the Delegates from Newfoundland who were lately in England, Her Majesty's Government have proposed to the French Government to accept a pecuniary indemnity and a statutory permission to purchase bait as a consideration for renouncing their alleged rights upon the coast and territorial waters of Newfoundland, and abolishing the bounty upon all fish not consumed in French dominions. These proposals have not been accepted. The Government of France intimate that for the settlement of the question they are willing to proceed either by agreement on the lines of the Convention of 1885, or by arbitration. Her Majesty's Government are willing to take whichever of these courses may be preferred by the Colony. But either course will probably occupy a considerable time. An agreement requires lengthened negotiation, and unless a very large discretion indeed is given to the Arbitrator, the preparations for submission to arbitration must be lengthy. A renewal of the *modus vivendi* so as to give time for further action is therefore indispensable. But after what has taken place to renew it would be useless, unless statutory force is given to its provisions. I very earnestly press upon your Government to procure the necessary legislation; the power of Her Majesty's Government to bring this controversy to a satisfactory conclusion will be seriously diminished by a refusal.

No. 33.

M. Waddington to the Marquis of Salisbury.—(Received December 2.)

M. le Marquis,

Londres, le 29 Novembre, 1890.

JE n'ai pas manqué de soumettre à l'appréciation du Gouvernement de la République le projet d'arrangement dont votre Seigneurie m'a fait l'honneur de m'entretenir le 17 de ce mois, en vue de mettre fin aux difficultés que rencontre l'exercice des droits de nos pêcheurs à Terre-Neuve.

Dans le courant du mois dernier, M. l'Ambassadeur d'Angleterre à Paris avait déjà remis à son Excellence, M. Ribot, une note de votre Seigneurie contenant des ouvertures dans le même sens. Ces ouvertures ne furent pas accueillies, ainsi qu'il résulte de la réponse de M. le Ministre des Affaires Étrangères, en date du 29 Octobre, mais Lord Lytton a pu se rendre compte une fois de plus, à cette occasion, des sentiments de conciliation dont le Gouvernement de la République n'a jamais cessé d'être animé dans la discussion de cette importante question.

Les propositions que vous m'avez demandé de communiquer à mon tour à M. Ribot diffèrent de celles que lui avait transmises Lord Lytton, lesquelles prévoyaient, en échange de l'abandon de nos droits sur le "French Shore," soit une indemnité pécuniaire, soit des facilités à accorder à nos pêcheurs pour l'achat de la boëtte, tandis que votre Seigneurie nous offre aujourd'hui l'indemnité et les facilités dont il s'agit, mais réclame en revanche, avec l'abandon de nos droits sur le "French Shore," l'abolition des primes qui encouragent en France l'exportation des morues dans les pays que baigne la Méditerranée.

Je n'avais pas cru devoir attendre les instructions de M. Ribot pour vous faire pressentir l'accueil dont ces dernières propositions ne pouvaient manquer, à mon sens, d'être l'objet de la part du Gouvernement de la République, et je n'ai pas caché à votre Seigneurie qu'elles ne constitueraient certainement pas la base de négociations que nous nous efforçons de part et d'autre de trouver. La réponse que je reçois de M. le Ministre des Affaires Étrangères à ma communication précitée confirme entièrement mes prévisions.

Je ne reviendrai pas sur la question du rachat de nos droits et sur les facilités que la Colonie de Terre-Neuve prendrait l'engagement d'accorder à nos pêcheurs en ce qui concerne la boëtte ; votre Seigneurie connaît notre manière de voir, à cet égard.

En ce qui touche l'abolition de nos primes, je me bornerai à vous faire observer que cette question ne saurait offrir une base de discussion, non seulement parce qu'elle est d'ordre intérieur, mais parce que le Parlement Français s'est, récemment encore, prononcé pour le maintien de la prime. Il ne dépendrait donc pas du Gouvernement de la République de modifier nos Tarifs en faveur des habitants de Terre-Neuve et au détriment de nos pêcheurs.

Telle est, M. le Marquis, la réponse que je suis autorisé à faire au projet d'arrangement dont vous avez bien voulu me tracer les grandes lignes ; ce projet émane des Délégués de Terre-Neuve, et il s'inspire, par suite, presque uniquement des intérêts de la Colonie ; il ne tient, pour ainsi dire, aucun compte des nôtres, qui sont pourtant considérables, consacrés en outre par les Traités, et garantis par la double signature des Gouvernements Français et Anglais. Dans ces conditions, je ne puis que vous renouveler l'assurance que j'ai eu l'honneur de vous donner déjà à maintes reprises, à savoir, que nous sommes toujours disposés à entrer avec le Gouvernement de la Reine dans la voie d'un accord, mais il va de soi que cette entente n'aura des chances de se produire que si les droits et les intérêts des deux parties sont équitablement mis en balance, et si on n'attend pas du Gouvernement Français des concessions auxquelles il lui soit impossible de souscrire. Je suis persuadé, M. le Marquis, qu'en faisant appel à votre haute impartialité il sera possible à bref délai de mettre un terme à des difficultés dont le Gouvernement de la République poursuit depuis longtemps avec un incontestable bon vouloir la solution définitive.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

M. le Marquis,

London, November 29, 1890.

I DID not fail to submit to the consideration of the Government of the Republic the proposed arrangement which your Lordship did me the honour to discuss with me on the 17th instant, with a view to putting an end to the difficulties encountered by our fishermen in the exercise of their rights in Newfoundland.

In the course of last month the British Ambassador at Paris had already transmitted to his Excellency M. Ribot a note from your Lordship containing overtures in the same sense. These overtures were not favourably received, as appeared from the reply of the Minister for Foreign Affairs dated the 29th October, but Lord Lytton on this occasion will have again seen proofs of the conciliatory spirit which has never ceased to animate the Government of the Republic in the discussion of this important question.

The proposals which you requested me, in my turn, to communicate to M. Ribot differ from those transmitted to him by Lord Lytton, which contemplated, in exchange for the abandonment of our rights on the "French Shore," either a pecuniary indemnity or the grant of facilities to our fishermen for the purchase of bait, whereas your Lordship now offers us the above-mentioned indemnity and facilities, but demands in return, with the abandonment of our rights on the "French Shore," the abolition of the bounties which encourage in France the exportation of cod to the countries bordering the Mediterranean.

I did not think it necessary to await the instructions of M. Ribot before warning you of the reception which, in my opinion, these latter proposals could not fail to meet on the part of the Government of the Republic, and I did not conceal from your Lordship that they certainly could not constitute the basis of negotiation which both parties are endeavouring to arrive at. The reply which I have received from the Minister for Foreign Affairs to my above-mentioned communication entirely confirms my expectations.

I will not again discuss the question of the purchase of our rights and of the facilities which the Colonial Government of Newfoundland would undertake to afford to our fishermen with regard to bait ; your Lordship is acquainted with our views on this subject.

As regards the abolition of our bounties, I shall confine myself to pointing out to you that this question could not form a basis of discussion, not only because it is a matter of

internal administration, but because the French Parliament has only recently pronounced in favour of the maintenance of bounties. It would not, therefore, be in the power of the Government of the Republic to modify our Tariffs in favour of the inhabitants of Newfoundland, and to the detriment of our fishermen.

Such is the reply, M. le Marquis, which I am authorized to make to the proposed arrangement of which you have been good enough to trace the main features. This project emanates from the Delegates of Newfoundland, and is, therefore, almost solely inspired by the interests of the Colony; it does not take into consideration, so to speak, our interests, which are, nevertheless, considerable, and recognized, moreover, by the Treaties and guaranteed by the twofold signature of the French and English Governments. Under these circumstances I can only renew the assurance which I have had the honour on several occasions to give to you, that we are always ready to consider the best means of attaining an agreement with the Government of Her Majesty, but it is a matter of course that this understanding can only be arrived at if the rights and interests of the two parties are equitably balanced, and concessions are not expected from the French Government to which they could not possibly subscribe. I feel assured, M. le Marquis, that by making an appeal to your high sense of impartiality it will be possible in a short time to put an end to the difficulties the final solution of which the Government of the Republic have long pursued with unquestionable good-will.

I have, &c.
(Signed) WADDINGTON.

No. 34.

Colonial Office to Foreign Office.—(Received December 12.)

(Extract.)

Downing Street, December 11, 1890.

WITH reference to the letter from this Department of the 28th ultimo, inclosing the paraphrase of a telegram addressed to the Governor of Newfoundland communicating to him the views of the French Government upon the proposals for a settlement of the Newfoundland Fishery question, made by the Delegates of the Colonial Government recently in this country, I am directed by Lord Knutsford to transmit to you the paraphrase of a telegram received from the Governor in reply, conveying the decision of his Ministers in regard to the suggestions for arbitration and a renewal of the *modus vivendi*.

{ Inclosure in No. 34.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.)

(Received December 5, 1890.)

MINISTERS desire to call the attention of Her Majesty's Government to the rejection by the Colony of the Arrangement of 1885 as constituting a reply to the second proposal of the French Government for a settlement based upon that Arrangement. With respect to the proposal for a settlement by arbitration, if it is upon the basis proposed by Delegates in July last, my Ministers assent; if otherwise, they wish for information as to the meaning of the phrase "settlement by arbitration." My Government cannot assent to any arbitration which does not include withdrawal of the French from the coast; that the granting of facilities for procuring bait be considered only with the modification of bounties. Whilst my Ministers recognize the necessity for sufficient time being allowed for complete negotiations after they take definite form, they beg to remind Her Majesty's Government of the emphatic protests made by them, the Legislature, and the public, as well as by the Delegates, against the *modus vivendi*, as being most hostile to interests of Colony, and they are not, therefore, prepared to give legislative sanction to the *modus vivendi*.

The Earl of Lytton to the Marquis of Salisbury.—(Received December 22.)

My Lord,

Paris, December 20, 1890.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the text of a question put by Admiral Veron yesterday, in the course of a debate on the Budget in the Senate, with reference to the negotiations between England and France on the subject of the Newfoundland fisheries; and of the reply of the Minister for Foreign Affairs thereto.

M. Ribot, while declining to enter into detail, stated that the French Government had been unable to accept the proposals made by Her Majesty's Government in so far as pecuniary indemnity and the abolition or reduction of French fishing bounties were concerned, but that they were prepared to examine any further proposals that might be submitted. It was not for the French Government to take the initiative or to appear in a hurry. They were enforcing their rights, and there was no reason to modify their view ("nous n'avons pas à apporter des modifications à notre manière de voir") until the new proposals spoken of were received. Far from having neglected the interests of the French fishermen in these regions, the number of which was yearly increasing, it was now admitted that everything had been done by the Government and the French Commander on the station to protect them. The question was a difficult and thorny one which could not be solved in a day. In the meantime, the French Government would continue to hold its position ("nous resterons sur le terrain où nous sommes"), resolved with firmness and prudence to defend the rights of their countrymen.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 35.

Extract from the "Journal Officiel" of December 19, 1890.

M. l'Amiral Veron.—Messieurs, je saisis l'occasion que m'offre la discussion générale du Budget du Ministère des Affaires Étrangères pour monter à cette tribune et entretenir de nouveau le Sénat de la grosse question de nos pêcheries de Terre-Neuve; il faut que je la considère, en effet, comme bien importante pour revenir encore une fois vous prier de m'accorder quelques instants de votre bienveillante attention. (Parlez! parlez!)

Je ne remettrai pas sous vos yeux la démonstration de nos droits de pêche sur la partie nord de l'Île de Terre-Neuve, droits indiscutables résultant de Traités ratifiés à diverses époques par les Gouvernements de France et d'Angleterre; le Sénat a été déjà plusieurs fois saisi de cette question, ainsi que des difficultés qui nous ont été suscitées dans ces derniers temps par nos voisins et qui, si on en croyait les bruits répandus, seraient arrivées à l'état aigu.

Je ne vais pas demander à M. le Ministre où en sont les négociations à ce sujet, car il y a des négociations en cours. Il me répondrait, comme il l'a fait à la Chambre des Députés, que, certes, il a hâte d'en finir, mais que, pour le moment, il ne peut rien dire. Je comprends son silence.

Seulement, M. le Ministre voudra bien me permettre de discuter aujourd'hui les diverses combinaisons qui ont été essayées dans ces dernières années, qu'on a plus ou moins officiellement connues et dont ont parlé les journaux de France, d'Angleterre, et d'Amérique, combinaisons proposées par les Anglais, toujours se défendant de vouloir nier ni contester nos droits inscrits dans les Traités, mais en fin de compte ayant pour but évident de nous faire abandonner le "French Shore." C'est parmi ces combinaisons qu'ils espèrent encore trouver aujourd'hui une solution acceptable pour nous. Je crois qu'ils se trompent.

Je ne sais si M. le Ministre a l'intention de soumettre au Parlement le Traité ou l'Arrangement à venir, avant sa ratification par le Président de la République, contrairement à ce qui a été fait pour les arrangements dernièrement conclus avec l'Angleterre à propos de Zanzibar (5 Août, 1890) et des territoires de la Côte Occidentale d'Afrique (10 Août, 1889); j'applaudirais à cette intention; car, on ne peut que regretter amèrement cette exclusion des Chambres dans la discussion de ces derniers Traités qui, certes, auraient donné lieu à de vives critiques quand on songe que nous n'avons pas su, au cours de ces négociations, nous faire attribuer la possession de la Gambie, ce coin enfoncé dans le flanc de notre Colonie Sénégalaise, comme l'a dit M. le Ministre.

Même dans cette hypothèse, je crois que l'examen auquel je vais me livrer aurait certains avantages.

Parmi les combinaisons proposées par les Anglais, je veux retenir les principales et prouver qu'aucune n'est acceptable. En première ligne, je mettrai l'Arrangement qu'ils nous avaient fait accepter en 1884-85 et que, par bonheur pour nous, le Parlement de Terre-Neuve ne voulut point ratifier. J'ai eu connaissance de cet Arrangement ! Nous accordions à nos copartageants la permission d'installer, dans la plupart de nos havres de pêche, de petites colonies destinées à exploiter les soi-disant mines se trouvant justement dans nos meilleures baies. C'était, nous disait-on, un moyen de donner satisfaction aux populations ouvrières de l'île, sans gêner notre industrie de la pêche. Eh bien ! pour qui connaît les exigences de nos pêcheries, il n'y a pas de doute que celles de l'industrie minière n'eussent absorbé les premières. Nous n'aurions pas tardé, ne pouvant plus vivre côte à côte avec ces voisines incommodes, à abandonner ces baies. Le but était atteint.

Et que nous proposait-on en échange de ces concessions si naïvement accordées ? La propriété entière des Nouvelles-Hébrides, archipel que nous n'avions pas su prendre quelques années avant, au moment où les Anglais prenaient sans façon le bel archipel du Fidji. Qu'aurions-nous fait des Hébrides et que faisons-nous aujourd'hui de ce cimetière de moitié avec les Anglais ? Il était aussi question de quelques petites Iles Sous-le-Vent de Taïti.

On vous propose peut-être, Monsieur le Ministre, de reprendre cet Arrangement avec quelques modifications dans les territoires à céder. J'ai entendu dire que l'on essayait. Puissiez-vous ne pas juger cette question, comme l'avait jugée votre prédécesseur de cette époque ; je n'insiste pas et je passe à la deuxième combinaison.

Comme la boëtte ou appât est indispensable à nos nombreux bâtiments qui pêchent sur le grand banc de Terre-Neuve et sur les bancs plus rapprochés de notre petite colonie de Saint-Pierre et Miquelon ; que cette boëtte, nous la trouvons dans la baie du "French Shore," les Anglais nous disaient : Abandonnez-nous vos havres dans lesquels vous n'avez plus que de rares navires, et nous prendrons l'engagement de vous fournir de la boëtte qui arrive chez nous en prime saison ;—nous annulerons le "Bait Bill" qui défendait à nos nationaux de vous en vendre ; et alors, ces havres abandonnés par la morue n'auront plus aucune valeur pour vous . . .

En retour de ce bon procédé, nous vous laisserons désormais libres de vous livrer à la pêche sur le grand banc de Terre-Neuve ! Oui, Messieurs, les gros bonnets de l'agitation Terre-Neuvienne font semblant d'ignorer que le grand banc est à 100 lieues de la côte de la grande île, et que, par conséquent, les nombreux navires de toute nationalité qui s'y livrent à la pêche, usent d'un droit incontestable et incontesté. Cette solution est trop puérile pour s'y arrêter.

On a songé aussi à nous donner une compensation en argent, à nous proposer le rachat de nos droits. Mais à qui reviendrait cet argent ? Certes, je connais plus d'un armateur qui, s'ils ne songeaient qu'à leurs intérêts, accepteraient avec empressement l'occasion de se retirer d'une industrie qui est soumise à des vicissitudes diverses.

M. le Comte de Treveneuc.—Et nos populations maritimes, que deviendraient-elles ?

M. l'Amiral Veron.—Mais nos armateurs n'abandonneraient pas, le cœur léger, tous ces braves marins qui, de père en fils, vivent de ces grandes pêches . . .

M. le Comte de Treveneuc.—Il s'agit de 10,000 familles, c'est-à-dire de 50,000 personnes à peu près.

M. l'Amiral Veron.— . . . Et dans les mêmes maisons d'armement. Et puis, notre Gouvernement a là des intérêts qui ne se payent pas.

Du reste, en ce moment, l'espoir renaît parmi nos marins de voir reflourir la prospérité de leur industrie. Cette année la morue, à Terre-Neuve, a fait comme la sardine sur notre littoral, elle est revenue à la côte, comme l'on dit. Et si l'armateur se voyait assuré pour l'avenir de la possession paisible de ses droits, je ne doute pas que plusieurs navires nouveaux ne se dirigeassent vers ces côtes, durant la campagne prochaine. Cette solution proposée ne peut donc être acceptée.

Parmi les hommes du parti modéré de Terre-Neuve qui jugent bien qu'un moyen radical n'a pas de chance de réussite pour nous faire abandonner nos droits, il y en a qui songent à détruire notre industrie en la rendant incapable de lutter avec les pêcheurs Anglais. Alors ils ont imaginé de faire pressentir notre Gouvernement sur la possibilité d'enlever la prime à nos armements. Comme nous sommes obligés d'aller pêcher à 900 lieues de chez nous, de tout emporter sur nos navires pour vivre sur une côte inhospitalière et inhabitée : vivres, bateaux appelets de pêche, objets de toutes sortes pour la préparation

et l'exportation du poisson, il nous serait difficile de produire à aussi bon compte que les Terre-Neuviens installés chez eux et attendant tranquillement que la saison vienne ! Alors sans la prime, il va de soi que nous abandonnerions la côte. Je n'ai pas besoin de rappeler ici les raisons majeures que, depuis si longtemps, on a fait valoir dans le Parlement pour justifier de conserver la prime à nos grandes pêches.

Je ne pense pas que pour plaire à nos voisins nous renoncions à une loi qui donne tant de force vive à notre marine militaire.

Enfin, on nous proposera, devant notre résolution de garder les Traités intacts, de prolonger le *modus vivendi* adopté l'an dernier par les deux Gouvernements.

Ah ! Monsieur le Ministre, ce n'est pas vous qui avez signé cet Arrangement provisoire, je l'espère, et je vous en félicite, car ce provisoire pourrait bien être le commencement de la déchéance de nos droits. Il nous éloigne bien, en tout cas, de la déclaration faite à cette tribune par deux de vos prédécesseurs.

En résumé, dans cette discussion, nous sommes en face de l'Angleterre qui a la tutelle de ses Colonies. A la tête de la petite Colonie de Terre-Neuve se trouve un Parlement turbulent qui paraît fort peu s'inquiéter des difficultés que ses revendications intempestives peuvent créer à la mère-patrie. Les habitants de Terre-Neuve oublient que nos droits exclusifs de pêche, nous les possédons après avoir cédé à l'Angleterre le sol sur lequel ils vivent. Mais pour modifier un Traité il faut le consentement des deux Parties Contractantes, et je reste convaincu que si, nous trouvant en présence de propositions inacceptables, nous continuons à revendiquer l'exécution intégrale de ce Traité, l'Angleterre qui, dans les dernières années, a prêté une oreille trop indulgente aux prétentions mal fondées de sa Colonie, saura lui imposer désormais une réserve dont elle ne la laissera plus sortir. (Très bien ! très bien ! à Droite.)

M. le Président.—La parole est à M. le Ministre des Affaires Étrangères.

M. Ribot (Ministre des Affaires Étrangères).—Messieurs, je comprends très bien l'intérêt manifesté par M. l'Amiral Veron à l'égard des populations maritimes qui trouvent à Terre-Neuve non seulement une école admirable pour se former à la marine militaire, mais aussi des ressources précieuses, nécessaires à la richesse de plusieurs de nos départements.

Le Sénat sait à quelles vives discussions cette question de Terre-Neuve, qui date de si longtemps, a donné lieu dans ces derniers mois.

La population de Terre-Neuve a envoyé à Londres des Délégués qui ont fait des efforts multipliés pour amener le Gouvernement Anglais à prendre une attitude un peu différente de celle qu'il avait eue jusqu'à présent vis-à-vis de nous, une attitude plus pressante.

Le Gouvernement Anglais a cru devoir se faire, auprès de nous, l'interprète de ces intentions.

Je n'ai pas à entrer dans le détail de ses propositions. Je dois dire seulement au Sénat—et il le soupçonnait d'avance—que nous les avons repoussées. (Très bien ! très bien !)

Nous n'acceptons pas, par exemple, qu'on nous offre, en échange de l'abandon de nos droits, une indemnité pécuniaire. (Nouvelles marques d'approbation.)

Nous n'acceptons pas davantage que l'on veuille intervenir, même d'une manière détournée, dans notre législation intérieure et qu'on nous demande, sous quelque forme que ce soit, l'abolition des primes, ou seulement la diminution de primes que nous sommes maîtres de fixer, suivant notre appréciation, dans un intérêt supérieur, celui du développement de notre marine. (Applaudissements.)

Je ne crois pas que le Cabinet Anglais ait été très surpris de notre réponse, très ferme mais en même temps très amicale.

Il nous a annoncé qu'il étudierait d'autres propositions et qu'il nous les soumettrait.

Quand elles nous seront faites, nous les examinerons avec soin. Ce n'est pas à nous qu'il appartient de prendre les devants ni de paraître pressés. (Très bien ! très bien !) Dans cette question, nous jouissons d'une situation qui a été souvent déterminée à cette tribune. Nous exerçons nos droits, nous n'avons pas à proposer des échanges. Nous n'avons pas à apporter de modification à notre manière d'être, tant que les nouvelles propositions qu'on nous annonce ne nous auront pas été soumises.

En attendant, il est à noter que les pêcheurs Français qui, à certaines époques, ont ait valoir des motifs de plainte, sont satisfaits de la campagne dernière ; ils ont été plus nombreux que jamais ; nous nous plaisons à le constater ici, le nombre de nos vaillants marins qui vont soit au Grand Banc soit au "French Shore" chercher des moyens d'existence et développer les grandes qualités de notre race, s'augmente d'année en année. (Approbation.)

Ils se sont plaint quelquefois, disions-nous, que leurs droits n'étaient pas défendus

avec assez de vigilance. Cette année—je fais appel aux représentants de ces populations maritimes—je les ai entendus, ils ne me contrediront pas, si j'affirme qu'elles sont absolument satisfaites, non seulement des résultats de leur pêche, mais de la manière dont leurs droits et leurs intérêts ont été soutenus par le Commandant de notre flotille et par le Gouvernement Français. (Très bien ! très bien !)

Dans cette situation, nous continuerons à attendre des propositions. La question est difficile, épineuse ; elle remonte déjà à une époque très ancienne, nous ne pouvons pas avoir la prétention de la résoudre en un jour. Je le répète, nous attendrons les propositions qui nous seront faites et en les attendant, nous resterons sur le terrain où nous sommes, très résolus à défendre avec fermeté et prudence les intérêts de nos nationaux. (Applaudissements sur un grand nombre de bancs.)

M. le Comte de Tréveneuc.—Monsieur le Président, je demande à répondre un mot de ma place.

M. le Président.—Vous avez la parole.

M. le Comte de Tréveneuc.—Nous prenons acte des bonnes paroles que vient de nous dire M. le Ministre des Affaires Étrangères ; mais je lui ferai remarquer qu'il y a bien longtemps qu'on nous donne de bonnes paroles et rien de plus !

Notre industrie maritime est presque anéantie. Dans un port important, qui est voisin de l'endroit que j'habite, il y avait huit grands navires faisant la pêche à Terre-Neuve il y a quelques années ; il n'y en a plus un seul aujourd'hui ; il ne reste plus que quelques navires armant pour l'Islande.

Quant au *modus vivendi* dont nous a parlé M. le Ministre des Affaires Étrangères, il me paraît absolument déplorable, car on viole nos droits depuis longtemps, et on dit : il faut rester comme cela, nous verrons plus tard.

Voilà un *modus vivendi* que vous acceptez dans une certaine mesure ; on attend et rien n'arrive ! Je demande que les promesses que vient de nous faire M. le Ministre des Affaires Étrangères deviennent des actes, et que, dans un avenir très prochain, nos armateurs sachent à quoi s'en tenir, parce que, cette année, comme le disait tout à l'heure M. l'Amiral Veron, les morues qui ne venaient pas depuis longtemps à la côte, y arrivent en abondance. Si un arrangement favorable à nos marins avait été fait, il y aurait certainement eu des armements pour la prochaine pêche, et avec la situation actuelle, ils ne se feront pas.

M. le Ministre des Affaires Étrangères.—Je constate, Messieurs, que nos armements, loin de diminuer, sont en progrès ; et que, si l'on prend les statistiques des dernières années, on voit que le nombre des marins employés à cette pêche a été en croissant.

M. le Comte de Tréveneuc.—Elle était tombée absolument !

M. le Ministre.—Elle a pu tomber à une certaine époque, mais elle se relève dans des proportions tout à fait rassurantes pour l'avenir.

Je constate, en second lieu, que ni M. le Ministre de la Marine ni moi n'avons reçu aucune plainte sur la manière dont la pêche s'est exercée dans la dernière campagne, et j'ai eu la satisfaction de recueillir, de la bouche même des Sénateurs et des Députés représentant ces régions, le témoignage que les intérêts et les droits de nos marins n'étaient nullement en souffrance.

M. le Comte de Tréveneuc.—Je suis également, M. le Ministre, le représentant d'un pays maritime, et je vous assure que dans les Côtes-du-Nord et dans la Manche il n'en est pas ainsi ; nous n'armons plus ; nos navires se louent pour le cabotage.

M. le Président.—Personne ne demande plus la parole ? . . .

Nous arrivons, Messieurs, au chapitre premier.

No. 36.

: Colonial Office to Foreign Office.—(Received January 1, 1891.)

Sir,

Downing Street, December 31, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter and its inclosures from the Admiralty respecting an action threatened against Sir B. Walker for closing the lobster factory of Messrs. Payzant and Fraser, at St. Paul's Bay, Newfoundland.

I am, &c.

(Signed) R. H. MEADE.

Inclosure 1 in No. 36.

Admiralty to Colonial Office.

Sir,

Admiralty, December 16, 1890.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for the Colonies, a letter from Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," dated the 19th November, forwarding correspondence relative to the alleged closing of a lobster factory belonging to Messrs. Payzant and Fraser, situated in St. Paul's Bay, Newfoundland.

I am, &c,
(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 36.

Captain Sir B. Walker to Vice-Admiral Watson.

(Extract.)

"Emerald," at Bermuda, November 19, 1890.

I HAVE the honour to inclose correspondence that has taken place having reference to a lobster factory belonging to Messrs. Payzant and Fraser, situated in St. Paul's Bay, Newfoundland.

This factory, when visited on the 28th May by the "Pelican," was in the course of erection, and the manager was given the notice of the 10th May, warning him of the *modus vivendi*. On the 3rd June I visited Messrs. Payzant and Fraser's factory at Bonne Bay and saw Mr. Payzant himself, with whom I had some conversation as to the fishing grounds claimed by Messrs. Mokeler and Holahan, but no mention was made of the St. Paul's Bay factory, nor was any request to be allowed to work made.

Mr. Payzant, in his interview with Commander Riddel, informed him that some officer told him in August that he might continue working, but he is mistaken in the date, as neither the "Pelican" torpedo-boat nor this ship visited Bonne Bay in August, and, as a matter of fact, no officer except Lieutenant Simpson had any intercourse with him or his manager on the subject, and he only on the 17th June.

In conclusion, I beg to add that I have received service of no writ, nor have I authorized any solicitor to accept service on my behalf.

Inclosure 3 in No. 36.

Commander Riddel to Captain Sir B. Walker.

Sir,

"Pelican," at Halifax, November 9, 1890.

I HAVE the honour to forward herewith a communication, dated the 8th instant, addressed to me by Messrs. Drysdale, Newcombe, and McInnes, solicitors, of this city, who have been instructed to represent Messrs. Payzant and Fraser in regard to a claim which they make by reason of the non-working of their lobster factory at St. Paul's Bay, Newfoundland.

2. The factory in question, a new one, was one of those on which notices not to work until your sanction had been obtained was served, the date of service being the 28th May.

3. From information obtained at Bonne Bay at the latter part of September, this factory was worked from the 4th to the 28th September, 1890.

I have, &c.
(Signed) D. M. RIDDEL.

Inclosure 4 in No. 36.

Messrs. Drysdale, Newcombe, and McInnes to Commander Riddel.

Dear Sir,

35, Bedford Row, Halifax, November 8, 1890.

WE have been consulted by Messrs. Fraser and Payzant, and retained to represent their interest with regard to their claim for damages sustained by reason of the closing of their lobster factory at St. Paul's Bay, Newfoundland, in May last. We are

instructed that you are the officer under whose direction their operations were stayed, and have no doubt that you are familiar with the whole situation. By reason of what was done, our clients have lost their season's business at the factory in question, the profits upon which would, according to their estimation, and having regard to the catch of previous years, have amounted to 5,000 dollars. They claim this amount, and it is our opinion that you or Sir Baldwin Walker, under whose command we believe you were acting, are the only persons against whom our laws give redress. Unless, therefore, you are in a position to hold out reasonable assurance of compensation through another source, we are instructed to institute an action in the Supreme Court here against you (or Sir Baldwin if he prefer to assume the responsibility) to recover the amount of damage sustained.

We are instructed to say to you, however, and we wish it understood, that our clients make no complaint against you or any of the British officers of harsh treatment, but fully recognize that what has been done was in pursuance of duty having regard to instruction received. We merely claim that there is no justification to be found in any British or Colonial Law or Treaty for the course which has been adopted, and, therefore, that all who have taken part in staying the lawful operations of our lobster packers on the coast of Newfoundland are wrong-doers.

As you will, we understand, be leaving this port within a few days, we must ask for an immediate reply, with a statement of your intention in this matter, and if the claim is to go in suit, we would like the name of your solicitor here who will accept service.

We remain, &c.
(Signed) DRYSDALE, NEWCOMBE, AND MCINNES.

Inclosure 5 in No. 36.

Mr. Grant to Messrs. Drysdale, Newcombe, and McInnes.

Gentlemen,

"*Emerald,*" at Halifax, November 10, 1890.

I AM directed by Captain Sir Baldwin Walker to acquaint you that he has been informed by Commander Riddel of the substance of your letter of the 8th instant to that officer relative to a claim made by Messrs. Fraser and Payzant for compensation for damages sustained by reason of the closing of their lobster factory.

In reply thereto, Sir Baldwin Walker directs me to inform you that Commander Riddel was acting under his instructions in this matter, and that he (Sir Baldwin) is prepared to assume all responsibility, and requests that any action taken may be against him.

I am also to inform you that Sir Baldwin Walker is unable, at this moment, to advise you how he intends to act in this matter, but will do so at the earliest possible date.

I remain, &c.
(Signed) GEO. GRANT, *Assistant Paymaster.*

Inclosure 6 in No. 36.

Messrs. Drysdale, Newcombe, and McInnes to Captain Sir B. Walker.

Dear Sir,

35, Bedford Row, Halifax, November 10, 1890.

WE beg to acknowledge your letter of this date in reply to ours of the 8th instant to Commander Riddel.

We understand that you will be leaving here to-morrow, and it is necessary, in order to give our Court jurisdiction in this matter, that the writ should be served in this province. We do not wish to give the writ to the Sheriff if you are willing to name a solicitor here. Will you be good enough, therefore, to advise us immediately as to whether you will authorize a solicitor here to accept service for you, and who the solicitor is; otherwise, we see no course for the protection of our clients but to have the writ served to-day in the usual manner. If you desire that this claim should stand as at present for a short time, say, two or three months even, we shall agree, provided only you will undertake that in the event of no settlement a solicitor here will accept service for you.

Awaiting your reply, yours, &c.

(Signed) DRYSDALE, NEWCOMBE, AND MCINNES.

Colonial Office to Foreign Office.—(Received January 6.)

Sir,

Downing Street, January 5, 1891.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of the Reports of the naval officers on the Newfoundland fisheries for last season.

Copies of these Reports have been forwarded to the Governor of the Colony in a despatch, of which I am to inclose a copy, calling the attention of his Government to certain points in them; and Lord Knutsford has informed the Lords Commissioners of the Admiralty that he concurs in their proposal to express approval of the proceedings of the officers.

I am to request that you will invite Lord Salisbury's attention to paragraph 2 of Sir B. Walker's letter as to the detrimental effects of the illicit traffic in spirits conducted by the masters of certain French vessels frequenting the coast. It is for his Lordship's consideration whether this matter should not be brought to the notice of the French Government, with a view to securing their co-operation in putting down this traffic by restrictions on the export of spirits from St. Pierre and Miquelon.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 37.

Admiralty to Colonial Office.

Sir,

Admiralty, November 21, 1890.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the perusal of the Secretary of State, a letter from the Vice-Admiral in command of the North American Station, dated the 5th instant, on the subject of the Newfoundland fisheries.

A letter from the Captain of Her Majesty's ship "Emerald," dated the 29th October, forwarding his Report on the fishery season of 1890, which formed the inclosures to the Commander-in-chief's letter before quoted, is also attached.

My Lords desire me to add that they propose to approve of the proceedings of the officers commanding Her Majesty's ships engaged on the Newfoundland fisheries this season, and they will be glad to learn if the Secretary of State concurs in this approval.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 37.

Vice-Admiral Watson to Admiralty.

Sir,

"Bellerophon," at Halifax, Nova Scotia, November 5, 1890.

I HAVE the honour to submit Reports on the Newfoundland fisheries for the season of 1890, from Captain Sir Baldwin W. Walker, Bart., of Her Majesty's ship "Emerald," and the officers commanding Her Majesty's ships "Pelican" and "Forward," who were serving under his orders.

2. In my letter of the 10th December, 1889 (paragraph 4), forwarding the Reports for the year 1889, I advocated the establishment of telegraphic communication between Brig Bay and Port Saunders, but this has not been done, and Sir Baldwin Walker reports having found the want of it most inconvenient; I therefore again strongly recommend it being at once established.

3. The coal depôt at Port Saunders has been established, and has proved of the utmost benefit.

4. Whilst controversy is going on it is absolutely necessary to have a steam-boat employed on the coast, with head-quarters at Port Saunders, and I would strongly recommend that a picket-boat should be sent from England early next spring, so

that she may be fitted under Captain Walker's supervision to take the place of second class torpedo-boat No. 62, which was lost.

5. As will be observed by Sir Baldwin Walker's Report, paragraph 9, no steps whatever have been taken in respect to the marking of schooners, and I would most earnestly suggest the desirability of the Newfoundland Government being called upon to enforce this very necessary provision.

6. The season has passed off quietly, and this is due to the great moderation evinced by the French Commodore and his officers, and to the tact shown by Sir Baldwin Walker, to whom great credit is due, and he appears to have worked most harmoniously with his French *confrères* assisted by Commander Riddel, of Her Majesty's ship "Pelican," and Lieutenant Gray, of Her Majesty's ship "Forward."

I have, &c.

(Signed) G. W. WATSON.

Inclosure 3 in No. 37.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir,

"*Emerald*," at Halifax, October 29, 1890.

HEREWITH I beg to forward the Fishery Reports of Her Majesty's ships "Emerald," "Pelican," and "Forward," employed on the Newfoundland Division during the season of the present year.

2. Her Majesty's ships "Pelican" and "Forward" have been stationed almost entirely on the portion of the coast subject to Treaty obligations.

3. Both Commander Riddel and Lieutenant-Commander Gray have done their work zealously, and ably seconded my efforts to obtain full information on the allocation of the inhabitants of the Treaty Shore. Of the north-east portion, of which less is known, a very rough estimate of the agricultural value of the land was attempted. This, with other information at present incomplete, I hope to forward shortly.

4. The season has been, till the latter part, a fine one, and comparatively free from fogs, but large quantities of ice were met with throughout, which rendered navigation dangerous. The Straits of Belle Isle were not clear till July, and even to the end of September icebergs of large size and in great numbers were met with.

5. The number of occupied French rooms on the north-east coast has further decreased, there being four this year against six last, and of these one was only occupied till the 25th July, the crew going on the Banks after that date. On the west coast there has been an increase in the numbers, the lobster factories at Brig Bay and John Meagher's Cove having men engaged in the cod fishing, in addition to the lobster industry.

6. Sixteen French vessels visited St. George's Bay, but only thirteen for bait; of these, never more than twelve were present at one time, and they had obtained all they required by the 26th May. Several American and Canadian vessels likewise came to this bay for baiting purposes.

The other occurrences at this place have formed the subject of separate Reports.

7. I would call especial attention to Lieutenant-Commander Gray's Report with respect to the size of the mesh of cod-traps and nets used on the north-east coast; it is not to be wondered that the shore fishing should fail year after year when such ruinous methods are pursued.

Although ground bultows, which catch the spawning fish, may not be injurious where proper means of regulating the fishery exist, when used in conjunction with cod-traps and other nets, the meshes of which are small enough to catch the immature fish, nothing but exhaustion can result, and that such is the case in some of the bays of Newfoundland I do not think will be denied by any one. The east coast is the one that has especially suffered, and is the coast on which nets, &c., of illegal size have been principally used. In the Fishery Report of 1883 attention is called to the illegality of the nets due to the smallness of the mesh, showing the evil to be of some standing.

The jigger to which Commander Graham called attention last year, and of which the French Commodore complains—this should also be made illegal.

Cod seines and cod nets are condemned as most injurious by all the fishermen whose opinion is reliable.

I believe it is contemplated by the Legislature to give local option in the matter of the methods of fishing. I feel sure it would be most beneficial and popular, for in many places they already have local regulations, though unable to enforce them should one of the community prove obstinate. But no legislation of this sort is of much real use that does not deal with the question of the wandering schooners; these follow the fish, to the detriment of the residents, disregarding all laws.

8. The rivers are gradually being ruined by the systematic barring and netting, the cod-traps lending valuable aid in hastening the extinction of salmon.

9. The nameless vessels have again formed the subject of written and verbal complaints on the part of the French Senior Officer. Several of these vessels have no papers, no colours, and are not properly marked, turning wreckers when opportunity offers, and committing acts which are an outrage to civilization, and which would be tolerated in no other country or Colony. Affidavits of the masters of several vessels improperly marked have been obtained, showing that the Custom-house authorities took no measures for enforcing even the present inadequate laws.

In some instances vessels had a Custom-house clearance, but no registry or colours.

The fact of the "Ready," in 1889, having marked some of the offending vessels which she met at Kirpon is given as a proof that they were unable to comply, but I beg to submit that this inference is not a correct one, for Kirpon, being on the Treaty Shore, was neither their port of registry nor of clearance, and that some are marked, or partially so, shows it is not inability, but wilful culpability.

10. The alleged interference by the traps of the Port Saunders factory, and the working of the *modus vivendi*, have formed the subject of special letters.

11. A quarrel which commenced in 1889 between Captain Philippe, "Prud'-homme" of Brig Bay, and Louis Gareau, about the price to be paid for the use of Garoux's fishing stage and the amount of compensation for some smuggled brandy which was stolen by some of Philippe's men, at one time threatened to become a serious menace to the otherwise quiet season. I was, however, able to arrange it by arbitration, and the sum of 20 dollars was paid Gareau in satisfaction of all claims for 1889.

I, at the same time, desire to call attention to statement of account on p. 25, which speaks for itself. I may add that this illicit traffic in spirits is especially detrimental, and adds much to the poverty and misery of the inhabitants.

12. The correspondence on the supposed outrages by the French at Port-à-Port shows how garbled were the accounts of the various incidents as published by the press. These descriptions were truthful as compared to some of the reports, for which, in many cases, there was absolutely no foundation, the announcements often emanating from the agents of members of a rejected political party.

13. A further Report as to the French fishery and claims for compensation for lobster factories which closed owing to the *modus vivendi* will be forwarded as soon as all the necessary details are obtained.

14. The torpedo-boat which was this season stationed on the north-west coast, with her head-quarters at Port Saunders, I found of the greatest assistance, the fact of her having steamed since leaving Halifax till she broke down off Port-à-Port, when the low-pressure cylinder cover cracked, upwards of 2,500 miles, shows her utility.

I have much pleasure in bringing to your notice the satisfactory manner in which Lieutenant Weigall performed, for a second time, the special duties intrusted to him.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 4 in No. 37.

General Remarks.

THE season on the Banks has been a very poor one, worse than last year. Six Newfoundland bankers were missing when I left St. John's; five since the gale of the 25th September.

The shore fishery has been only fair, but better than the previous season; on portions of the Treaty Shore it has been very fair, especially in the neighbourhood of St. George's Bay and Port-à-Port. The French at Red Island have not done well.

At Port-au-Choix, at the commencement of the season, cod was very plentiful, but during the latter part bait was scarce, and comparatively little was done after the middle of August.

The early herring were abundant in St. George's Bay, though late in striking in, but the price is low.

The salmon fishery on the east coast is the best for the last ten years, notwithstanding large quantities of ice late in June, which interfered considerably with the nets.

Capelin were plentiful on the east coast, but not so on the west. Squid were scarce throughout the Treaty Shore.

The season on the Labrador, though very late in commencing, has been one of the best for twenty years, the take of cod exceeding last year's catch by about 50 per cent.; the fish were also much finer and thicker than usual, but the herring were scarce.

A small portion of this coast, of which Red Bay is the centre, was the exception to the general rule; on this portion the cod fishing was a failure, and herring very scarce. The people will, in consequence, require assistance during the coming winter.

(Signed) B. W. WALKER, Captain,
Her Majesty's ship "Emerald."

Inclosure 5 in No. 37.

Commander Riddell to Captain Sir B. Walker.

Sir,

"*Pelican*," at Sydney, October 15, 1890.

I HAVE the honour to make the following Report on the fisheries of the west coast of Newfoundland for the season of 1890.

2. On the whole the fishery this year was a better one than 1889, though not good. The season was late in commencing, and herring did not strike the coast till much later than usual.

3. There was a better take of cod in Bay St. George, and the French rooms at Port-au-Choix and St. John's Island have done fairly well.

4. The herring fishery in St. George's Bay did not commence until the 22nd May, and the catch made by the residents amounted to about 20,000 barrels, or a slight excess over last season's; 2,000 barrels were disposed of to Canadian and American vessels, thirty-one of whom visited St. George's Harbour; 500 barrels were sold to French vessels.

Only thirteen French baiters arrived this year, against seventy-one in 1889, and they had completed their baiting by the 26th May.

5. The summer and autumn herring fishery has not been good, and a scarcity of bait has prevailed. Capelin struck the coast late and not so generally as usual.

6. The number of French vessels (including two schooners at Red Island) was 12, manned by 636 men, 115 of whom were at Red Island.

7. The French at Red Island made no complaints against British vessels or subjects, but those at Port-au-Choix and St. John's Island complained of the arrival of British schooners, both in Gargamelle Cove, Old Port-au-Choix, and in St. John's Harbour, their crew fishing and otherwise interfering with them, and they also complain that the crews of these schooners used to throw overboard in the harbour the offal of their fish.

In each case the masters of the schooners were warned not to impede, or do anything which would interfere with, French fishing, and these warnings seem to have had a salutary effect.

8. The weather was fine from the latter part of June and free from fog, but in September, especially towards the end of that month, strong gales prevailed, which must greatly have hampered all fishing operations.

9. A complaint made by the inhabitants of St. George's Bay against Capitaine de Frégate Marquis, of the "*Indre*," for ordering up their herring-nets on the 22nd May, has already been the subject of correspondence.

10. So far as I could ascertain, the French brought out supplies of bait from Dunkerque, and afterwards they were largely supplied from St. Pierre and Magdalen Islands. It is very evident that the bankers proceeded direct to the Banks

from France, and this is proved by the fact that seventy-one vessels baited at St. George's last year, and only thirteen this season.

11. With reference to the opinion of fishermen as to the use of cod-traps, nets, seines, and bultows, I beg to report it is impossible to form an accurate idea, those possessing the particular means of fishing advocating them, whilst others, who are not able to procure them, protest against their use. As regards cod-traps, many fishermen say there is not much harm in them if a 4-inch mesh is used.

The majority are of opinion that cod-nets set on fishing-grounds are the worst contrivances possible. Cod-seines, now practically done away with, are universally condemned as useless, and only liable to frighten away the fish. Bultows : as in traps, those possessing them advocate their use, and *vice versa*.

That they do keep the fish off the shore, and catch fish heavy with spawn, is evident, and in this way must do harm.

12. The usual size of meshes of salmon-nets is 6 inches; cod-nets, 6 inches; cod-traps, 4 inches.

I have, &c.
(Signed) D. M. RIDDEL.

Inclosure 6 in No. 37.

LIST of French Vessels Fishing on the West Coast of Newfoundland in 1890.

Name of Vessel.	Name of Master.	Number of Crew.	Catch of Cod.	Remarks.
Le "Laborieux" ..	Philippe ..	82	Quintals. 160	Took away the catches of "L'Hyppolite" and "La Vedette."
La "Marguerite" ..	Landgren ..	23	..	
Le "Puget" ..	Dameral ..	98	1,000	
"L'Hyppolite"	62	1,000	The schooners carry the cod to St. Pierre, where they are sold.
"L'Acyon" ..	Badouard ..	32	1,000	
La "Vedette" ..	.. ..	32	1,000
Le "Duc" ..	Belin ..	62	3,000	
Le "Sans Souci" ..	Vilala ..	64	2,500	
Le "Jeune Adolphe" ..	Bodin ..	32	1,300	
"L'Émilie" ..	La Laude ..	34	1,400	
Red Island schooners (two in number)	Pourrier ..	115	2,500 (about)	
Total .. ..	.. ..	636	14,860

(Signed) D. M. RIDDEL, Commander.
"Felican," Bay St. George, October 9, 1890.

Inclosure 7 in No. 37.

Lieutenant-Commander Gray to Captain Sir B. Walker.

Sir, "Forward," at St. John's, October 8, 1890.

IN forwarding my Fishery Report, I have the honour to make the following remarks :—

2. Though the season commenced very late, and in the latter part of it bait (squid) was very scarce, on the whole the cod fishery has been a fairly good one, and considerably better than last year.

3. During the run caplin were exceptionally plentiful.

4. In spite of more than usual trouble with ice, the salmon fishery was very good, especially from St. Anthony to Canada Bay, and at Fleur-de-Lys and La Scie. I reported my seizure of three small-mesh nets across the river at Sops Arm, but regret I was not fortunate enough to catch any in Westbrook and Salmon River, Ariège Bay. I was informed that these latter have been most successfully netted, the fish taken lately with spawn running out of them.

5. Herring, early in the season, were plentiful, but in the autumn, when this fishery is prosecuted, they were everywhere reported as very scarce, except at La Scie, where they had just set in with very good prospects, the fish being large and plentiful. This was the last port visited on the Treaty coast, which I left on the 5th October, at 6 A.M. At Kirpon it was stated by some fishermen that it was no use catching many, as the necessity for a licence had greatly checked the number of Nova Scotian schooners visiting the port, and their market was therefore gone.

6. The result of inquiries from some 240 fishermen along the whole coast proved a majority (including several owners) in the proportion of two to one against cod-traps, three to one against cod-nets, and nearly six to one against ground bultows, but generally in favour of floating ones if properly attended. The reasons are given in another Report. The jigger was also greatly condemned. In many places the inhabitants have a local agreement against the use of one or other or all of these, but this cannot be enforced against coasting vessels, they being the subject of general complaint.

7. If cod-traps are allowed, it was considered a 5-inch mesh would be best. Generally one from $2\frac{3}{4}$ -inch to 4-inch is used. The mesh of nearly all nets is smaller than allowed by law, and caplin nets are constantly used for herring, herring nets for cod, and so on. In fact, if the law as to mesh were enforced, there would be very few nets used at all.

8. Only four French rooms were occupied this year, and one was vacated after only a month's fishing, the men leaving for the Banks about the 25th July.

The rooms at Croc, in addition to those at Fischot, St. Julien's, and Rouge, are expected to be occupied next year. The total catches for the last three have been 600, 1,000, and 700 quintals respectively. All three captains in charge said that salt bait is not nearly so good as fresh. On the coast, if they have not fresh they do not fish. Of the salt, squid is best, but herring is mostly used. Sardines from France also are fair, but most bankers get their supply of salt bait from St. Pierre.

9. The lobster factories, state of French rooms, and information as to number of houses, inhabitants, boats, &c., called for in your Memorandum of the 26th July, are in separate Reports.

10. The affidavits of a number of masters of improperly marked schooners were taken, and in all cases the vessels had received their Customs clearance and left port as I found them.

11. The boarding of the schooner "Aggie" by the French was the subject of special correspondence. The "Indre" was the only French man-of-war met with on my station, and my relations with her Commander were of a most cordial and friendly nature.

I have, &c.
(Signed) SCOTT W. A. H. GRAY.

Inclosure 8 in No. 37.

Protest.

To his Excellency Lieutenant-Colonel Sir J. Terence O'Brien, K.C.M.G.,

Humbly sheweth :

THAT we, the undersigned inhabitants of Greater Cove, Trinity Bay, unanimously protest against the use of bultows or trawls. Our fishery, which looked very promising this voyage, the past month, since the use of that appliance, has been a total failure.

The bultow has been proven by the Undersigned to be the most detrimental to our fisheries of any in use at the present day, and if not remedied, it must certainly end in destitution and poverty of this our settlement. It is useless to put down the boat or hand-line on our shores at present, as the trawls have the codfish drawn down to a depth of 200 fathoms of water, and so much bait continually kept there, the cod are continually falling from our fishing ground. The mother fish is, and have been from year to year, caught at their spawning, causing a scarcity more and more according as the seasons roll round, and will now end in completely clearing our shore of the codfish.

May it please your Excellency in Council to grant your petitioners a limit of 3 miles coast-line west, and 3 miles east of our settlement, and 6 miles wide, to be cleared of this damaging appliance, and pronounce a fine of 200 dollars.

And it is the prayer of your petitioners that your Excellency in Council will give it due consideration and grant them a speedy reply.

And in duty bound your petitioners will ever pray.

(Signed by 159 inhabitants.)

August 8, 1890.

Inclosure 9 in No. 37.

Commander Riddel to Captain Sir B. Walker.

Sir,

"Pelican," at Birchy Cove, July 14, 1890.

I HAVE the honour to report that having heard rumours of an outrage on the part of French fishermen at Fox Island River, I communicated with that place on the 13th instant, and ascertained that on or about the 9th June last several French schooners anchored off the river, and that the master of one of them, the "Beaulieu," of St. Malo, landed in the forenoon, and broke into the factory belonging to Messrs. Abbott and Hill, smashing the windows, lighting a fire on one of the tables, stealing the locks off the doors of the factory and store-house, as well as some fish, ducks, and ducks' eggs. There appears to have been only one person at the factory at the time, the caretaker, named Dennis Benoit, whose written statement I beg to attach hereto.

2. Benoit also reports that there were rumours to the effect that trawls, the property of Leech, at Bear Cove, had been cut off that place, but by whom it was impossible to say, the persons who committed the act not having been seen whilst so engaged.

I have, &c.

(Signed) D. M. RIDDEL.

Inclosure 10 in No. 37.

Statement of Denis Benoit, Caretaker of Abbott and Hill's Lobster Factory, Fox Island River.

ABOUT the 9th June several French schooners came and anchored off the river. Captain Bily, of the brig "Beaulieu," from St. Malo, landed about 9 o'clock, and in the morning entered the factory by forcing open the door, took out a board belonging to myself, and his crew broke the windows. Before leaving the factory they lit a fire on one of the tables, but extinguished it on being told not to burn down the factory. Before returning on board they took the locks off the factory and my store-house, also some fish, and the ducks that were sitting on some eggs were turned off the nest and the eggs and ducks stolen. I have been informed that some trawls belonging to Leech, at Bear Cove, were cut, but it could not be ascertained whether the culprits were French or English, but the general opinion is that they were French.

(Signed) DENIS BENOIT, his X mark,
Caretaker of Abbott and Hill's Lobster Factory.

Witnesses to mark :

(Signed) FREDERIC G. BIRD, *Sub-Lieutenant.*
A. ELLIS, *Petty Officer.*

July 13, 1890.

Inclosure 11 in No. 37.

Captain Sir B. Walker to Captain Maréchal.

Sir,

"Emerald," at St. John's, July 17, 1890.

I HAVE the honour to bring to your notice the following complaints.

The first has reference to the destruction of property and robbery committed at Fox Island River by the master of the brig "Beaulieu," of St. Malo; the evidence of the caretaker Denis Benoit is inclosed.

The other complaint is against some of the crew of the "Marie Emilia" of St. Pierre, the evidence of Philip Steele and Francis McHearn being as follows :—

On the morning of the 22nd June they observed a dory hauling their traps; a boat was immediately launched by them in order to ascertain who the offenders were. On their approach being observed, the culprits ceased their depredations and pulled for the "Marie Emilia," and having secured the dory alongside went on board, previously throwing a covering over the lobsters (at least fifty in number) in the bottom of the boat. Steele and McHearn followed the dory to the vessel and lifted this covering in order to convince themselves that no mistake had been made; they then spoke to the master of that vessel on the subject, but he ordered them away from his ship.

I would ask you to deal with the offenders in such a manner as to deter others from committing such acts, also to be good enough to cause the property stolen from the factory to be restored, or compensation for its loss awarded.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 12 in No. 37.

Captain Maréchal to Captain Sir B. Walker.

*Croiseur "Le La Pérouse," Port Saunder,
le 4 Août, 1890.*

M. le Commandant,

J'AI l'honneur de vous accuser réception de votre lettre du 17 Juillet, relative à deux plaintes contre des pêcheurs Français, qui vous ont été adressées.

La première, est du nommé Denis Benoît, gardien d'une factorerie abandonnée appartenant à MM. Abbott and Hill, et située à la Rivière à Benoît ("Fox Island River"), Port-à-Port.

Ce gardien accuse le Capitaine Bily et l'équipage du brick le "Beaulieu" de St.-Malo, d'avoir, le 9 Juin :—

Forcé la porte de la factorerie.

Pris une table lui appartenant.

Essayé d'incendier la factorerie, en faisant du feu sur une table.

Enfin, volé les serrures des portes, ainsi que du poisson, des canards, et des œufs.

Le "La Pérouse" a mouillé devant la Rivière à Benoît le 18 Juin, à côté de douze navires pêcheurs Français venus sur ce point pour y chercher du capelan, et parmi lesquels se trouvait le "Beaulieu."

Un officier a visité tous les navires, et je suis descendu à terre, où une partie des équipages Français se trouvait rassemblée autour des feux allumés sur la plage pour se réchauffer, en attendant l'arrivée du capelan.

J'ai visité l'usine abandonnée, qui ne m'a paru nullement dévastée; tout y était encore en place, sauf les chaudières.

Enfin, j'ai eu une conversation assez longue avec Denis Benoît lui-même, qui ne m'a fait aucune réclamation, quoique je fusse là en même temps que l'équipage incriminé, et qu'une enquête eut été facile à faire. Cependant, dans le courant de la conversation, Denis Benoît fit en effet une vague allusion à la tentative d'incendie de la factorerie, mais elle était si vague que je n'y pris pas garde et si la tentative a réellement eu lieu, il faut avouer que nos pêcheurs n'avaient pas une volonté bien arrêtée d'incendier l'usine qu'on pourrait brûler avec une simple allumette.

Il m'est donc permis de croire, Monsieur le Commandant, que dans ces conditions, le récit des méfaits du "Beaulieu" est une pure invention entrant dans le plan de campagne de calomnies entreprises cette année par certains habitants de Terre-Neuve contre les Français qui pêchent à Terre-Neuve. Le dernier paragraphe de la plainte de Denis Benoît ne laisse d'ailleurs aucun doute à cet égard :—

"Des harouelles Anglaises ont été coupées à l'Anse à l'Ours; quel est le coupable? Est-il Anglais, est-il Français? Personne ne le sait, mais l'opinion générale est qu'il est Français."

En ce qui concerne la plainte contre la "Maria Amélie" de St.-Pierre, elle présente telle qu'elle est formulée, le caractère d'un fait positif avéré.

Il reste à entendre le témoignage du capitaine du navire Français; et je m'empresserai, en arrivant à St.-Pierre, de le faire interroger. Vous pouvez être certain, Monsieur le Commandant, que si réellement la conduite du capitaine de la "Maria Amélie" a été aussi indigne qu'elle le paraît d'après les dépositions de Philippe Steele et de Francis MacHern, il lui sera infligé le blâme sévère qu'il mérite.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

*On board the cruiser "La Pérouse," Port Saunders,
August 4, 1890.*

M. le Commandant,

I HAVE the honour to acknowledge the receipt of your letter of the 17th July relative to two complaints against French fishermen which have been addressed to you.

The first comes from one Denis Benoît, caretaker of a deserted factory belonging to Messrs. Abbott and Hill, and situated on the Fox Island River, at Port-à-Port.

This caretaker accuses Captain Bily and the crew of the brig "Beaulieu," from St. Malo, of having on the 9th June—

Forced open the door of the factory.

Taken a table belonging to him.

Attempted to set fire to the factory by lighting a fire on the table.

Lastly, of having stolen the locks of the doors, as well as fish, ducks, and ducks' eggs.

The "La Pérouse" anchored off the river at Benoît on the 18th June, alongside of twelve French fishing-vessels which had come to that place in search of capelin, and amongst which was the "Beaulieu."

An officer visited all the ships, and I landed where a part of the French crews were assembled around fires lighted on the shore to warm themselves whilst awaiting the arrival of the capelin.

I visited the deserted factory, which appeared to me to have been in no way ransacked; everything was still in its place, with the exception of the boilers.

Lastly, I had a rather long conversation with Denis Benoît himself, who made no complaint whatever to me, although I was there at the same time as the accused crew, and although it would have been easy to make an inquiry. In the course of conversation, however, Denis Benoît did, indeed, make a vague allusion to the attempt at setting fire to the factory, but it was so vague that I took no notice; and if the attempt really took place, it must be admitted that our fishermen could not have had any serious intention of setting fire to the factory, which could be burnt down by means of a simple match.

Under these circumstances, therefore, M. le Commandant, I may be allowed to think that the report of the misdeeds of the "Beaulieu" is a pure invention belonging to the series of calumnious attacks which have been made this year by some inhabitants of Newfoundland against the French who fish in Newfoundland. Moreover, the last paragraph of Denis Benoît's complaint leaves no doubt on the subject:—

"Some English trawls were cut at Bear Cove; who is the culprit? Is he English, is he French? Nobody knows; *but the general opinion is that he is French.*"

As regards the complaint against the "Maria Amélie" from St.-Pierre, it bears, in the shape in which it is put forward, the character of a positively asserted fact.

It only remains to take the evidence of the captain of the French vessel, and on my arrival at St.-Pierre I shall lose no time in causing him to be interrogated. You may be sure, M. le Commandant, that, if the conduct of the captain of the "Maria Amélie" has been really so disgraceful as appears to be the case from the depositions of Philip Steele and Francis MacHern, he will be reprimanded as severely as he deserves.

Receive, &c.

(Signed) A. MARÉCHAL.

Inclosure 13 in No. 37.

Commander Riddell to Captain Sir B. Walker.

Sir,

"Pelican," at St. John's, August 15, 1890.

WITH reference to my letter dated the 14th July, 1890, relative to a report made to the effect that the factory of Messrs. Abbott and Hill at Fox Island River had been broken into by the crew of a French fishing-vessel, the "Beaulieu," and that considerable damage had been done thereby, also that certain British property had been stolen by the same persons, I have the honour to report, for your information, that I visited Fox Island River on the 5th instant, and inspected the factory in question.

I found that two out of the three windows had been broken, and that the third had been removed.

A small door had been broken down and the lock taken off.

There was no table in the factory, nor were there any signs of a fire having been lighted in the place.

I interviewed Denis Benoit, a resident of the place, who on the 13th July had made and signed a statement to the effect that the crew of the French fishing-vessel "Beaulieu" had broken into the factory by forcing open the door, breaking the windows, stealing a board and locks, some ducks and ducks' eggs, and had lighted a fire on the factory table; and on questioning him I found that on that date he was fishing at Shag Island and did not witness any of the acts which he asserted the French had done, but that he made the statement from hearsay evidence only. Under these circumstances I beg to submit that the statement is valueless, and that no credence can be attached to the report as alleged against the French.

I have, &c.

(Signed) D. M. RIDDEL.

Inclosure 14 in No. 37.

Captain Maréchal to Captain Sir B. Walker.

*Croiseur "Le La Pérouse," Port Saunder,
le 3 Août, 1890.*

M. le Commandant,

UN déserteur Français, le nommé Gareau, s'est établi à Brig Baie, où il a construit des deux côtés du havre plusieurs habitations avec leurs dépendances, magasins et chauffaids.

L'une d'elles a été louée à Mr. Shearer pour y établir son usine à homard; une autre est bâtie sur les emplacements des établissements Français de la Pointe de Brig Baie, concédés depuis deux ans au Capitaine Philippe pour y exercer la pêche.

En 1889, dès le début de son installation, notre Capitaine, pour bien démontrer son désir sincère de se livrer paisiblement à ses opérations de pêche et de faire le moins de tort possible à un résident de la côte, préféra s'arranger avec Gareau plutôt que de réclamer l'exercice strict de son droit garanti par les Traités. Quoique gêné à la plage par les chauffaids de Gareau, il s'installa le mieux qu'il put et loua même des magasins de cet homme. Celui-ci se montrait alors on ne peut plus aimable et empressé à aider le Capitaine Philippe.

Depuis, le déplorable caractère de Gareau ne tarda pas à se faire jour, et il ne fut plus possible à nos hommes de conserver de bonnes relations avec lui.

Cette année la situation s'est aggravée à ce point qu'elle est devenue aujourd'hui intolérable; Gareau ne se contente plus d'injurier le Capitaine Philippe, d'exciter ses hommes à la révolte, il est tout prêt à se livrer à des actes de violence.

Il mouille une trappe à morue au milieu des fonds de pêche du Capitaine Philippe, refuse de la lever, et embarque ostensiblement dans sa pirogue deux fusils et un pistolet qu'il charge sur la plage devant tout le monde, criant à haute voix: "Qu'on vienne toucher à ma trappe maintenant!"

Il menace de tuer le gardien Anglais Shepperd des établissements du Capitaine Philippe, et si j'insiste sur ces menaces, Monsieur le Commandant, c'est que cet homme violent est capable de les mettre à exécution, ainsi que le disent les résidents Anglais de la côte, qui le redoutent eux-mêmes. Il aurait déjà en effet, entre autres méfaits à son acquit, à moitié assassiné d'un coup de fusil un résident Anglais habitant aujourd'hui Les Fleurs.

Enfin, si je dois en croire l'opinion publique à Brig Baie, Gareau, déjà renié par son propre pays comme déserteur, serait à peu près considéré comme un malfaiteur par les habitants de sa nouvelle patrie.

En résumé, Monsieur le Commandant, le Capitaine Philippe est doublement troublé dans l'exercice de son droit de pêche par Gareau:—

1. Parce que ce dernier s'est établi sur le poste de pêche attribué au Capitaine Philippe par le Gouvernement Français, et s'est approprié les constructions Françaises qui y existaient.

2. Parce qu'il pêche sur les fonds où opèrent nos pêcheurs, les empêche d'exercer tranquillement leur industrie et cela même avec des engins prohibés, la trappe à morue.

3. Parce que par ses outrages, ses violences continuelles, Gareau a créé à

Brig Baie une insécurité qui est devenue absolument intolérable, et dont les autres résidents Anglais eux-mêmes sont victimes tout comme les pêcheurs Français.

Je vous demanderai, en conséquence, Monsieur le Commandant, de vouloir bien prescrire les mesures nécessaires pour que Gareau ne trouble plus la pêche de nos nationaux à Brig Baie, tant par ses opérations de pêche que par son usurpation des plages qui nous sont réservées conformément aux Traités.

Quant aux projets homicides de cet énergumène, dont le caractère violent touche presque à la folie, je pense qu'il devient prudent d'en tenir un certain compte, et qu'il y aurait lieu de prendre, vis-à-vis de Gareau, des mesures préventives, tels que le désarmement, par exemple, qui le rendraient inoffensif.

Agréé, &c.
(Signé) A. MARÉCHAL.

(Translation.)

*Cruizer "Le La Pérouse," at Port Saunders,
August 3, 1890.*

M. le Commandant,

A FRENCH deserter, named Gareau, has established himself at Brig Bay, where he has constructed on both sides of the harbour several dwellings, with their annexes, shops, and scaffoldings.

One of them has been let to Mr. Shearer for the establishment of his lobster factory; another is built on the sites of the French establishments at Brig Bay Point, granted two years ago to Captain Philippe for the exercise of his fishing.

In 1889, at the commencement of his occupation, the Captain, in order to show clearly his sincere desire to carry on his fishing operations peacefully, and to do the least possible amount of harm to any resident on the coast, preferred to settle matters with Gareau rather than to demand the strict exercise of his right as guaranteed by the Treaties. Although inconvenienced by Gareau's scaffolding on the shore, he established himself as best he could, and even hired some shops from this man. The latter at that time showed himself as amiable as possible, and anxious to assist Captain Philippe.

Since then the disreputable character of Gareau was not long in showing itself, and it became no longer possible for our men to keep on good terms with him.

This year the situation has become so aggravated, that it is at present intolerable. Gareau is no longer content with abusing Captain Philippe, and exciting his men to revolt; he is quite prepared to have recourse to acts of violence.

He moors a cod-trap in the midst of Captain's Philippe's fishing grounds, refuses to raise it, and ostentatiously puts two guns and a pistol on board his boat, which he loads on the beach before every one, exclaiming loudly, "Now let them come and touch my traps!"

He threatens to kill Shepperd, the English overseer of Captain Philippe's establishments, and if I lay stress on these threats, M. le Commandant, it is because this violent man is capable of putting them into execution, as the English residing on the coast say, who are themselves in fear of him. He is said indeed, amongst other misdeeds to his account, to have already half-murdered, by a gun-shot, an English resident now living at Les Fleurs.

Finally, if I may believe public opinion at Brig Bay, Gareau, already disowned by his own country as a deserter, has come to be considered as a criminal by the inhabitants of his new country.

To sum up, M. le Commandant, Captain Philippe is doubly impeded by Gareau in the exercise of his right of fishing:—

1. Because the latter has established himself on the fishing station allotted to Captain Philippe by the French Government, and has appropriated the French erections which existed there.

2. Because he fishes on the grounds where our fishermen operate, prevents them from quietly pursuing their industry, and that too by means of forbidden implements, the cod-trap.

3. Because by his outrages and continual violence, Gareau has created at Brig Bay a state of insecurity which has become absolutely intolerable, and of which the other English residents themselves are just as much victims as the French fishermen.

I shall therefore request you, M. le Commandant, to be so good as to take the necessary measures for preventing Gareau from impeding the fishery of our countrymen at Brig Bay, both by his fishing operations and by his illegal occupation of the shores which are reserved to us by virtue of the Treaties.

As to the homicidal intentions of this demoniac, whose violent disposition amounts

almost to insanity, I think it becomes advisable to take some note of them, and that preventive measures, such as disarming him, might be adopted towards Gareau, which would render him incapable of further harm.

Believe me, &c.
(Signed) A. MARÉCHAL.

Inclosure 15 in No. 37.

Captain Sir B. Walker to Captain Maréchal.

Sir, "Emerald," at Port Saunders, August 4, 1890.

I HAVE the honour to inform you that, as soon as the weather clears, I will proceed to Brig Bay, and make full inquiries into the complaints against Gareau, and will take such steps as may be necessary to prevent any danger of violent action on his part.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 16 in No. 37.

Captain Sir B. Walker to Captain Maréchal.

Sir, "Emerald," August 5, 1890.

IN accordance with your request, I have this day visited Brig Bay, in order to inquire into the conduct of Louis Gareau, and I have the honour to inform you that I have taken measures to insure the future good behaviour of the above person. He has also been induced to give up his fire-arms.

These steps will, I think, prevent Captain Philippe being further troubled by this person.

I would, at the same time, earnestly request that not only Captain Philippe, but all the French fishermen, should be desired to hold as little intercourse with Gareau as possible, and so prevent any further cause for future irritation.

An officer will constantly visit Brig Bay to insure the peace, which Gareau has been bound over to keep, being preserved.

I have also the honour to say that the cod-trap complained of has been lifted some considerable time, and I have forbidden any further interruption to the French operations on his part.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 17 in No. 37.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, Croiseur "Le La Pérouse," Forteau, le 5 Août, 1890.

PERMETTEZ-MOI de vous remercier du très aimable empressement que vous avez mis à aplanir les difficultés soulevées à Brig Baie par la conduite du nommé Gareau, ancien déserteur Français, établis dans ce havre.

La suppression que vous avez ordonnée des armes à feu de cet homme violent, trop enclin à s'en servir contre ses semblables, ramènera la sécurité à Brig Baie, tant pour les pêcheurs Français que pour les résidents Anglais eux-mêmes.

D'autre part, la défense que vous lui avez faite d'employer sa trappe à morue et de continuer à troubler les pêcheurs Français, fera disparaître les seuls obstacles à sa pêche dont le Capitaine Philippe se plaignait.

Ce Capitaine a, d'ailleurs, défendu à ses hommes d'avoir aucune espèce de relation avec Gareau, et dans ces conditions je pense comme vous, Monsieur le Commandant, que toute cause de plainte future est supprimée.

Agréé, &c.
(Signé) A. MARECHAL.

(Translation.)

On board the cruiser "*Le La Pérouse*," Forteau,
August 5, 1890.

M. le Commandant,

ALLOW me to thank you for the very amiable promptitude which you have displayed in removing the difficulties at Brig Bay arising from the conduct of one Gareau, a late French deserter, established in that harbour.

The destruction ordered by you of the fire-arms belonging to this violent man, too much inclined to use them against his fellow creatures, will restore a sense of security amongst the French fishermen, as well as amongst the English residents themselves, in Brig Bay.

On the other hand, your forbidding him to use his cod-trap and to continue to impede the French fishermen will obviate the only obstacles to Captain Philippe's fishing of which the latter complains.

Moreover, this captain has forbidden his men to hold any kind of communication with Gareau, and, under these circumstances, I agree with you, M. le Commandant, in thinking that all cause for future complaint has been removed.

Receive, &c.
(Signed) A. MARÉCHAL.

Inclosure 18 in No. 37.

BRIG BAY.

CAPTAIN PHILIPPE to LOUIS GAREAU.

Date.		Dr.	Cr.
1889.		Dol. c.	Dol. c.
May 15	To 6 panes glass, 10 c.	0 60	
"	1 spar for launch	1 00	
"	3½ quarts kerosine oil	0 35	
"	20 yds. sail cloth, at 18 c. ..	3 60	
"	1 broom, 30 c., 6 barrels (20 c.), 1 dol. 20 c. ..	1 50	
"	22 panes glass, 10 c.	2 20	
"	6 lbs. rape, 20 c.	1 20	
"	1 lot screws	0 10	
"	3 lamp chimneys, 15 c.	0 45	
"	3 quarts kerosine oil	0 30	
"	39½ lbs. s. tarred rope, 20 c. ..	7 90	
"	100 wharf longers, 5 c.	5 00	
"	2½ quarts kerosine oil	0 25	
"	4 lbs. nails, 32 c.; 11 lbs. sugar, 18 c., 1 dol. 98 c.	2 30	
"	1 quart molasses, 16 c., 2 lbs. nails, 16 c. ..	0 32	
"	2½ quarts kerosine oil	0 25	
		27 32	
"	By 5 quarts brandy		1 50
"	36 ditto		10 80
"	15 ditto		4 50
June 27	36 ditto		10 80
"	50 lbs. pitch		0 50

Inclosure 19 in No. 37.

Captain Maréchal to Commander Riddel, June 24, 1890.

[See Inclosure 1 in No. 19.]

Inclosure 20 in No. 37.

Commander Riddel to Captain Maréchal, June 26, 1890.

[See Inclosure 2 in No. 19.]

Inclosure 21 in No. 37.

Lord Knutsford to Governor Sir T. O'Brien.

Sir,

Downing Street, January 5, 1891.

I HAVE the honour to transmit, for communication to your Ministers, copies received through the Admiralty of Reports in connection with the Newfoundland fisheries, and the proceedings of Her Majesty's ships for their protection during the season of 1890.

I have again to invite the attention of your Ministers to some of the points which I brought to their notice when forwarding similar Reports in respect of the season of 1889.

They will not fail to observe that Vice-Admiral Watson renews his recommendation as to the establishment of telegraphic communication between Brig Bay and Port Saunders. I regret that your Ministers have not as yet taken any steps in this matter, the importance of which, in the interests of the proper regulation of the fisheries and the preservation of peace, is pointed out in these Reports, and I trust that before the next season commences they will have given effect to the wishes of Her Majesty's Government in this matter.

The subject of the marking of fishing-vessels, as to which I addressed you in my despatch already referred to, is again raised by these Reports. It would appear that, in disregard of the orders issued by your Ministers, the provisions of the Merchant Shipping Act on this point are still largely neglected. I need not remind your Ministers of the complaints made by the inhabitants of various parts of the coast, as well as by the French, as to the lawless proceedings of these unmarked vessels, and I trust that your Ministers will not only compel a stringent compliance with the Merchant Shipping Act, but will supplement that Act by a measure dealing with the smaller vessels to which that Act does not apply.

The only other point to which I have to call special attention is the question of the employment of cod-traps, bultows, and jiggers. There can be no question as to the advisability in the permanent interests of the fishery of enforcing stringent regulations as to the use of these instruments, if not of prohibiting them altogether, and I should be glad if your Government would take the matter into consideration, with a view to its being permanently settled in a manner consistent with the due preservation of the fishery, in which so great a part of the interests of the Colony is involved.

I have, &c.
(Signed) KNUTSFORD.

No. 38.

Foreign Office to Admiralty.

Sir,

Foreign Office, January 10, 1891.

WITH reference to your letter of the 17th November last, inclosing a copy of Captain Sir B. Walker's Report of the 22nd October last, upon the working of the *modus vivendi* during the late fishing season in Newfoundland waters, I am directed by the Marquis of Salisbury to state to you that it appears to his Lordship that Sir B. Walker has shown much tact and discretion in his dealings with the French Naval authorities, and with the local fishermen.

I am, therefore, to request you to move the Lords Commissioners of the Admiralty to convey to that officer a formal approval of his proceedings, on behalf of Her Majesty's Government.

I am, &c.
(Signed) T. H. SANDERSON.

The Marquis of Salisbury to the Earl of Lytton.

My Lord,

Foreign Office, January 14, 1891.

I LEARN from Her Majesty's Secretary of State for the Colonies that, in a recent Report by Captain Sir B. Walker, the Senior Naval Officer on the Newfoundland Station, notice is again drawn to the illicit traffic in spirits which is being carried on in Newfoundland by the masters of certain French vessels frequenting the coast.

Sir B. Walker states that, in settling by arbitration a dispute between Captain Philippe, "Prud'homme" of Brig Bay, and Lewis Garrow, a small local trader, he had received a schedule showing that no less than 92 quarts of brandy had been received by Garrow from Philippe in exchange for miscellaneous stores supplied in May 1889.

This case is an instance of a constant and general practice to which the attention of the French Government has formerly been more than once drawn; and it will be remembered that in the course of the negotiations at Paris, which resulted in the unratified Arrangement of 1885, the French Commissioners were authorized by their Government to declare that, immediately after the ratification of that Arrangement, instructions would be sent to the Commandant of the Colony of St. Pierre and Miquelon for the prohibition to schooners and boats fitted out there for fishing purposes to ship a greater amount of spirituous liquors than should be deemed necessary for the requirements of the crew.

Although the Convention has never come into effect, Her Majesty's Government cannot doubt that the French Government will be ready to do what is in their power to prevent a trade which is not only injurious to the revenues of the British Colony, but indirectly tends to the increase of misery and destitution amongst the inhabitants of the coast, and leads not unfrequently to disputes between British and French subjects.

They have the more reason for confidence in this respect, as the French Declaration of Versailles of 1783 contained a pledge of "constant attention to prevent the Islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations."

I have to request your Excellency to call the attention of the French Government to the continued existence of this illicit traffic, and to press urgently for the adoption by them of adequate measures for its repression.

I am, &c.
(Signed) SALISBURY.

Lord Knutsford to Governor Sir T. O'Brien.

Sir,

Downing Street, January 15, 1891.

I DULY received your despatch of the 25th June last, inclosing an Address to the Queen passed on the 10th of that month by the Legislative Council and Assembly of Newfoundland,* having reference to the French rights of fishery on part of the coasts of Newfoundland, and to the *modus vivendi* concluded with the French Government for the fishing season of last year in connection with the lobster fisheries.

I had opportunities of mentioning this subject to the Delegates of the Colonial Government while they were in this country, and it did not appear to me desirable to reply in detail to that Address while other points more urgently requiring attention were under consideration.

The Address commences by referring to the previous Address passed by both Houses of the Legislature in 1889, which denies the right of the French to take lobsters or to erect factories for their preservation: it alludes to the reply returned to that Address which expressed the concurrence of Her Majesty's Government in this view; and proceeds to express surprise and alarm at the arrangement made for a temporary *modus vivendi*. After stating that there is no law under which the French are permitted to erect lobster factories on any part of the coast of Newfoundland, the Address goes on to submit that the Colonial Legislature has full power to legislate for

* See Inclosure in No. 13.

the fisheries, and refers to two Acts passed in the Sessions of 1889 and 1890 for creating a Fisheries Commission, and for repealing the Act prohibiting the use of cod-traps.

With regard to the proposal for submitting the question of the lobster fishery to arbitration, the Address affirms that there is no question for arbitration, and that the Colony would "be satisfied with nothing short of the immediate removal of every French lobster factory from the shores of Newfoundland." After offering observations on the effect of the French bounties and the exaggerated pretensions of the French in regard to their Treaty rights, and upon the refusal of the French Government to allow a British Consul at St. Pierre and Miquelon, which islands are alleged to be centres of smuggling, the Address concludes by praying that Her Majesty will be pleased to assent to the two Acts above referred to, and that Her Majesty will relieve Newfoundland from its most anomalous and injurious position in relation to the French claims.

Her Majesty's Government have given the views put forward in this Address their very careful consideration, and on many of the points referred to therein as regards the French rights of fishery on the coast they are in accord with the opinions of the two Houses of the Legislature, as is shown in the voluminous correspondence with the French Government, which was presented to the Imperial Parliament last Session; but Her Majesty's Government regret to observe that the Legislature of Newfoundland fails to appreciate the difficulty of urging its views on the Government of France, inasmuch as that Government holds diametrically opposite opinions on the language of the Treaties and Declarations in regard to the rights of French subjects.

Thus, in regard to the lobster fisheries question, Her Majesty's Government agree that the French have no right to erect on the coast lobster factories, or, indeed, any constructions other than those specified in the Treaties; but, on the other hand, it must be remembered that the British Declaration of 1783 undertakes that "in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it, which is granted to them upon the coasts of the Island of Newfoundland; and he will, for this purpose, cause the fixed Settlements which shall be formed there to be removed;" and the French Government contends that the British lobster factories, which are alleged to interfere with the French fishing operations, are consequently altogether unlawful, and should be removed.

Whilst this difference of opinion exists between the two Governments, it is impossible for Her Majesty's Government, as was pointed out in my despatch of the 10th November last,* to "force upon a friendly Power the renunciation of its Treaty rights, to compel the acceptance of an interpretation of those rights which Her Majesty's Government uphold, but which is at direct variance with the interpretation upheld by that Power."

I request that you will communicate that despatch to the Legislature, as well as my despatch to you of the 24th June last. The former explains the result of the interviews which took place with the Delegates of the Colonial Government who were recently in this country, and the latter was written in reply to the Petition to the Queen, signed by a large number of the inhabitants of Newfoundland, and deals with some of the points to which the present Address refers.

In accordance with the wish of the Delegates, Her Majesty's Government lately proposed to the French Government that they should accept a pecuniary indemnity and a statutory permission to purchase bait, as a consideration for renouncing their alleged rights upon the coast and territorial waters of Newfoundland, and abolishing the bounty upon all fish not consumed in French dominions. Her Majesty's Government regret, however, that these proposals have not been accepted.

With regard to the prayer of the Petition, that Her Majesty's assent may be given to the two Acts of the Colonial Legislature respecting the use of cod-traps and the Fisheries Commission, you will inform the Legislature that Her Majesty's Government cannot depart from the instructions which have already been communicated to you with reference to these Acts.

You will inform the Legislature that the Address has been presented to the Queen, who was pleased to receive it very graciously.

I am, &c.
(Signed) KNUTSFORD.

* See Inclosure in No. 26.

No. 41.

Admiralty to Colonial Office.

Sir,

Admiralty, January 15, 1891.

WITH reference to your letter of the 10th November, requesting that inquiries may be made respecting the nature of the French establishment at Le Croc, Newfoundland, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the perusal of the Secretary of State, copy of a letter from the Captain of the "Emerald," dated the 22nd ultimo, on this subject.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure in No. 41.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir,

"Emerald," at Bermuda, December 22, 1890.

WITH reference to the Report called for in your letter of the 17th November, 1890, on the nature of the French establishment at Le Croc, I have the honour to inform you that the buildings at this place have been in existence for some years, and are of a permanent character, being built of stone and roofed.

The establishment in question contains, as represented by the Newfoundland Government, store-houses and gardens.

It has been the custom up to last season for the French to buy their cattle, sheep, &c., at Sydney, Cape Breton, and land them at Le Croc for the use of their cruizers, for until quite lately it was very difficult to obtain fresh meat and vegetables on the coast, and although it is now sometimes procurable, the quantity is limited, and often in very poor condition; vegetables in sufficient quantities are almost unobtainable.

Three men from one of the ships used to be landed and left in charge of the place during the season, being removed again previous to their vessel leaving the coast.

The question of fixed establishments having been brought into prominence of late, the French Commodore decided not to use the dépôt at Le Croc this season, and I have every reason to believe that it will not be occupied again.

The number of French rooms on the east coast is now so small that, except for surveying purposes, the French vessels are very little on it, being principally on the west coast, when Sydney, Cape Breton, answers all their purposes admirably.

When the French Commodore last visited Le Croc he informed the person that it was probably the last time that she would see the French vessels in there. I may add that the payment to the care-takers has always been punctual and liberal, this last season being no exception to the rule.

Should I find that the dépôt at Le Croc is again utilized, I will make an immediate Report of the case.

I have, &c.

(Signed) B. W. WALKER.

No. 42.

*Foreign Office to Colonial Office.**

Sir,

Foreign Office, January 16, 1891.

THE telegrams which have recently been received by the Secretary of State for the Colonies from Newfoundland show that the course of action suggested by his Lordship to the Government and Legislature of that Colony is not likely to meet with acceptance at their hands, and I am desired by the Marquis of Salisbury to request that you will call Lord Knutsford's attention to the mode in which those replies affect the foreign relations of this country.

* Copy sent to Governor of Newfoundland, January 19, 1891.

The rights which were reserved to France on the western shore of Newfoundland when the portions of the island in French occupation were surrendered in 1713, and which have been confirmed and developed by subsequent international stipulations, were imperfectly defined; and the obscurity of the language used has long been felt to be a serious practical inconvenience. For the past sixty years constant efforts have been made to clear up the disputed points, and to substitute a series of precise rules for the vaguely-worded engagements which at present exist. The views of the Colonists on the one hand, and of the French Government on the other, however, have diverged so widely, that up to very recently negotiations were wholly unsuccessful. In 1885, an arrangement dealing equitably with all the points in dispute was negotiated by Commissioners appointed by Earl Granville, and a modification of it framed to suit the wishes expressed by the Colonial Government was sanctioned by Lord Salisbury shortly after the change of Government in that year. But though it was signed by the Commissioners of England and France, it took no practical effect. Before its signature it had received the approbation of the Government of the island; but a general election and a change of Ministry took place there, and after the signature the Colony, acting under a power reserved to it by Her Majesty's Government, refused its assent to the arrangement which the two Governments had made.

The language of the Colonial Government has been uniformly adverse to any attempt to revive the stipulations which were thus condemned; nor have they suggested any others of a similar kind for the acceptance of the Government of France. During the present year, two members of the Colonial Government who were in England suggested that an attempt to close the controversy should be made, by asking the Government of France to accept, in lieu of all their rights on the shore or in the waters of Newfoundland, some pecuniary satisfaction, and a perpetual engagement to permit the supply of bait to French fishermen for fishing in the open sea. This suggestion, however, was fettered by a stipulation, that the French Government should abandon the system of bounties by which they at present encourage the importation of fish by French fishermen into the French dominions, or should at least limit its application to fish actually consumed in French territory. These proposals, as Lord Knutsford is aware, have been unequivocally declined by the Government of France.

It may be concluded, therefore, that the resources of direct negotiation have been exhausted, and that no method of bringing the controversy to an end by any proposal on the part of Her Majesty's Government to the French Republic now remains. The only method of doing so which is now apparently open to us is to refer the disputed points of Treaty interpretation to an Arbitrator, and to obtain his decision as to the real signification of the stipulations by which this country is bound. In 1889, the conviction had forced itself upon Her Majesty's Government that recourse to this method of settlement was likely to become inevitable in respect to the lobster fishery, and unofficial discussions had taken place with the Representatives of the French Republic in this country, which appeared to make it probable that no great difficulty would be found in devising a reference to an Arbitrator which should be mutually satisfactory. The Colony, however, showed itself very averse to arbitration, and at the request of the Colonial Ministry the matter was put off until after the visit of Sir William Whiteway and Mr. Harvey to this country, in order to give them an opportunity of making proposals by which, in their belief, the difficulty could be arranged. Experience has shown that hope to be unfounded. We are in the presence of the same state of facts as those which confronted us in the winter of 1889. The differences between the conception formed of the meaning of the Treaties by the Colonists and that formed by the French authorities have become so sharp, and apply to practical interests so urgent, that unless they can be settled disorders and conflicts of a serious kind are almost certain to ensue. In view of this state of facts, Her Majesty's Government have asked the Colony to co-operate for the purpose of negotiation or of arbitration, and in the latter event to give legal validity to some intermediate arrangement which should keep the conflicting interests apart until a settlement has been made. In reply to this request, the Colonial Government have taken up an argumentative position which had been more than once obscurely indicated, but never so clearly explained until now. They do not seek for any interpretation of the Treaty stipulations which regulate the rights of the French upon the western shore, and they will not co-operate in any form of accommodation, be it by negotiations or be it by arbitration, which has not the cessation of those rights as an indispensable condition. They dispute the French view of the Treaties; but they object to have the dispute decided by the only peaceful method known to International Law, unless the French will accept a condition which we have no right to impose, and which the French Government have declared in the plainest

terms their intention of refusing. This determination by the Colonial Government is expressed with a clearness and an emphasis which unfortunately leaves no room for doubt as to its signification.

It is impossible not to sympathize with the Colonists in their impatience at the burden of stipulations which seriously interfere both with the economical development of the island and with the prosecution of its most important industry. It is deeply to be regretted that advantage was not taken of the occasions on which, without difficulty, the rights of the French might either have been extinguished, or at least defined. But we have to deal with the facts as they stand before us. The issue raised by the attitude of the Colony is no longer the question which is the right interpretation of the summary language used by the Treaty of Utrecht, or the Declarations of Versailles. It is the question whether the French shall be allowed to exercise any rights whatever over the western shore and its territorial waters.

The existence of some French rights, whatever their exact interpretation may be, is a matter of absolute certainty. The signature of England has been pledged again and again to their acknowledgment. They cannot be repudiated so long as the binding force of any Treaty obligations made in the past is admitted. The honour of England is committed to the acceptance of them, and the nation certainly would never consent to a breach with France incurred in the support of what would be a plain infraction of Treaty right.

It is quite conceivable that the Colonial Ministers should dislike to incur any responsibility in support of Treaty rights which they have no interest in upholding, and the cogency of which may be imperfectly understood by the population of Newfoundland. But their refusal to give us their co-operation in the matter does not relieve this country from the obligations which it has incurred.

Lord Salisbury considers that Her Majesty's Government must take the shortest and plainest method of ascertaining what our international engagements in this matter are, and of carrying those engagements into effect. It appears to him that no time should now be lost in making proposals to the French Government which may lead to arbitration upon, at all events, the most urgent of the matters which are in contest between them. It is hardly to be hoped that this process can be complete before the ensuing fishing season commences. It may be therefore necessary to conclude some intermediate arrangement, which probably would follow the lines of the arrangement made last year, omitting those portions of it which have become inapplicable through the lapse of time. It will be necessary to apply to Parliament to obtain the powers for giving effect to any such arrangement; as it appears from the course of legal proceedings that there is at least doubt whether our officers, in taking steps for that purpose, would be adequately protected against an action at law. The Statute of the fifth year of George IV's reign, which unfortunately was allowed to lapse, will probably furnish the best model for legislation upon this point, as it only aims at securing the performance of international obligations, and does not interfere with the internal affairs of the island.

I am, &c.

(Signed) T. H. SANDERSON.

No. 43.

Colonial Office to Foreign Office.—(Received January 19.)*

Sir,

Downing Street, January 19, 1891.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 16th instant, in which, by the direction of the Marquis of Salisbury, you call Lord Knutsford's attention to the mode in which the foreign relations of this country are affected by the replies lately received from the Government of Newfoundland in regard to the French Fishery question.

Lord Knutsford concurs in the conclusion arrived at by Lord Salisbury, that as it has not been possible to come to a friendly arrangement with France in accordance with the stipulations of the Newfoundland Government, it has become necessary to ascertain definitively, without further delay, what are the international engagements of this country in the matter; and that, for this purpose, proposals for arbitration should be made to the French Government. And as some time must elapse before the opinion of an Arbitrator can be given, Lord Knutsford agrees that some provisional arrange-

* Copy sent to Governor of Newfoundland, January 19, 1891.

ment must again be made for the current year; and that any doubts which may exist as to the legality of the acts done by Her Majesty's officers in controlling the fisheries should be removed by legislation.

His Lordship is considering the provisions of a Bill for this purpose, and is disposed to think that it should be on the lines indicated in the last paragraph of your letter.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 44.

Admiralty to Vice-Admiral Watson.—(Received at the Foreign Office, January 20.)

Sir,

Admiralty, January 20, 1891.

I AM commanded by my Lords Commissioners of the Admiralty to request that you will convey to the officers in command of Her Majesty's ships "Emerald" (Captain Sir B. Walker, Bart.), "Pelican" (Commander Daniel McN. Riddel), and "Forward" (Lieutenant Scott W. A. H. Gray) the expression of their Lordships' approval of the satisfactory manner in which they have carried out their duties, in connection with the protection of the Newfoundland fisheries during the past season, in which approbation the Secretaries of State for Foreign and Colonial Affairs have signified their concurrence.

2. My Lords also desire that you will inform Sir Baldwin Walker that the Secretaries of State for Foreign and Colonial Affairs have further signified their sense of the tact and discretion shown by him in his dealings with the French Naval authorities and with the local fishermen in Newfoundland, and in these expressions my Lords desire to add their entire concurrence.

I am, &c.
(Signed) EVAN MACGREGOR.

No. 45.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur,

Foreign Office, January 20, 1891.

I HAD the honour to confer with your Excellency on the day before Christmas Day with reference to the present position of the negotiations respecting Newfoundland; and I conveyed to you the probability that, in view of the recent failure of all attempts to close the question by agreement, we should take an early opportunity of inviting the French Government to refer the principal questions in dispute to arbitration. You expressed a general concurrence in this policy, and intimated your willingness to receive any proposals I might have to make.

I now submit to your Excellency, for the consideration of the Government of the Republic, a proposal to refer the extent and limits of the rights secured to France by the Treaty of Utrecht and subsequent stipulations to the decision of an Arbitrator. The principal questions which separate us on the subject of Newfoundland were stated in my despatch to Lord Lytton of the 24th September, which was communicated by him to M. Ribot.

Taking them in the order of their urgency at the present time, they are as follows:—

1. Do the words "permis de pêcher et de sécher le poisson," employed in the XIIIth Article of the Treaty of Utrecht, apply to all kinds of animals found in the sea; if not, to which kinds is the application limited?

2. Whether Great Britain, by granting to France the right of drying fish and cutting wood along a portion of the shore of Newfoundland, and by promising the removal of "établissements sédentaires," has engaged to prohibit her subjects from erecting any kind of building on that part of the shore, or only those buildings which are concerned with the fishery; and, if so, whether lobster factories are included in the prohibition?

3. Do the Treaties, by prohibiting French subjects from any construction on the shore beyond "échafauds et cabanes nécessaires et usités pour sécher le poisson," prohibit them from erecting removable lobster factories?

4. To what depth inland do the prohibitions against building on the part of British subjects, whatever they may be, extend?

5. Whether, under the true interpretation of the Treaties, Great Britain, in virtue of her sovereignty over Newfoundland, possesses on that part of the coast rights of fishery concurrent with those of France, and equal to them; or only rights which must be so exercised as not to disturb the fishery of France?

The controversy is too familiar to the French Foreign Office for it to be necessary for me to accompany this summary of the questions to be referred by any commentaries or explanations. If there are any amendments to this statement which would, in the view of the Government of the Republic, make it a more satisfactory basis of reference, I shall be happy to consider them. But if, on the other hand, I receive from you an intimation that, for the present at least, this statement of our differences would, in the opinion of the French Government, furnish an adequate material for the judgment of an Arbitrator, and would give the Arbitrator an opportunity of setting at rest the most difficult of the controversies in which we are engaged, I would then proceed to submit, for your consideration, suggestions with regard to the mode in which that Arbitrator should be chosen, and as to the precise terms in which the questions should be placed before him.

I have, &c.
(Signed) SALISBURY.

No. 46.

The Marquis of Salisbury to the Earl of Lytton.

My Lord,

Foreign Office, February 11, 1891.

THE French Ambassador called at this Office this afternoon and made the following communication on behalf of his Government in reply to the proposal I had addressed to him for submitting to arbitration the questions at issue between the two Governments in regard to the Newfoundland fisheries.

The French Government accept arbitration as the means of putting an end to the difficulties in regard to the Newfoundland Fisheries which the two Governments desire to adjust. They agree at once that the Arbitrators shall adjudge any questions which may be submitted to them by either Cabinet in regard to the capture and preparation of lobsters.

They think there would be considerable difficulty in settling beforehand the exact issues to be submitted, and that it should be open to either Government to submit to the Arbitrators any question connected with the western shore of Newfoundland, provided that it is one which concerns the capture and preparation of lobsters. They propose that the Board of Arbitration should consist of three jurists, with the addition of one or, if necessary, two members appointed on either side. These latter would act as the mediums of communication between the Tribunal and the two Governments, but would also themselves vote as Arbitrators.

The French Government make their consent to the arbitration dependent upon two preliminary conditions, namely, that the *modus vivendi* agreed upon for last fishing season shall be renewed for the present year, and that they should receive an assurance from Her Majesty's Government that effect will be given to the decision of the Arbitrators whatever it may be.

I informed M. Waddington that these proposals would receive due consideration, and that a reply would be sent to him after consultation with the Cabinet.

I am, &c.
(Signed) SALISBURY.

No. 47.

The Marquis of Salisbury to the Earl of Lytton.

My Lord,

Foreign Office, February 14, 1891.

IN accordance with the instructions of the Cabinet, I have to-day informed M. Waddington that Her Majesty's Government agree generally with the French Government in regard to the proposed arbitration on the Newfoundland fishery question.

I had some conversation with his Excellency as to the Arbitrators to be chosen, and as to the place where they should meet.

I said that the best plan would appear to be that the names of several jurists belonging to neutral nations should be suggested by the two Governments, and that three should then be selected from the list. It would, I thought, be necessary to choose persons well acquainted with both English and French.

I added that, speaking from first impressions, it appeared to me that the best meeting-place for the Tribunal of Arbitration would be Brussels.

I am, &c.
(Signed) SALISBURY.

No. 48.

Colonial Office to Foreign Office.—(Received February 27.)

Sir,

Downing Street, February 27, 1891.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, an extract from the "Canadian Gazette" of the 12th instant, containing a Notice said to be circulating on the west coast of Newfoundland, alleging that the naval officers have no legal authority for enforcing the provisions of the Treaties with France, and recommending legal proceedings against them.

I am also to inclose copies of telegraphic correspondence with the Governor of Newfoundland on the subject of this Notice.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 48.

Extract from the "Canadian Gazette" of February 12, 1891.

THE NEWFOUNDLAND DIFFICULTY — A REMARKABLE DOCUMENT. — We have received from an unknown quarter through the post this strange document, which we give in its entirety.

It bears this indorsement:—"Copy of document now in circulation among the inhabitants of the west coast of Newfoundland":—

"Notice.

"The fishermen and managers of lobster factories on the western coast of Newfoundland, falsely called the 'French Shore,' are earnestly requested to hoist British flags on their boats, nets, and factories during the coming fishing season, to claim the protection of British war-vessels if interfered with by French vessels, and to report as promptly as possible any refusal of British officers to protect them, being careful to give full and true particulars as to circumstances, place, and date.

"It cannot be too widely known that the Act which enabled successive British Governments to enforce French 'claims' has been repealed many years ago, and no power given by the Imperial Parliament or by the local Legislature to enforce those claims exists. Naval officers interfering with British subjects in the exercise of their rights as citizens of the Empire do so at their own risk. Any complaint should be laid before the local Magistrate or Justice of the Peace, who, as representing the civil authority, has more legal power than naval officers, and the officer arrested by warrant if necessary. If an officer 'confiscates' nets, lobster-pots, &c., as has often been done, have him arrested for theft and brought before a Magistrate like any common offender, no matter what his rank.

"No order from the British Admiralty can override the Constitution of Newfoundland. Magistrates and Justices of the Peace are urged to do their duty in asserting the civil power, as no authority exists for 'naval law' as hitherto administered. Civil authority is superior to military or naval, except in time of war.

"Fishermen are cautioned not to sign any paper given by British officers, or make

any promise not to fish in their own waters. No British officer has the power to extort such promises or agreement.

"Pass the word up the coast, that the Empire, especially the Colonies, of which Newfoundland is the oldest, 'expects every Newfoundlander to do his duty.'

"Newfoundlanders! your interests are sacrificed, not by the present or former Newfoundland Governments, but by the English Foreign Office, because it prefers the interests of the rich bankers and bondholders, who have invested their money in Egyptian securities, and want no trouble with France.

"No capital or enterprise will come into Western Newfoundland until the French are out of it!

"'Now's the day, and now's the hour!'

"Reliable information should be sent to any of the following:—

"The Patriotic Association, St. John's, Newfoundland.

"Reuter's agent, St. John's, Newfoundland.

"Central News Office, London, England.

"'Newfoundlander,' c. o. Hayward's Exchange, Bristol, England."

Inclosure 2 in No. 48.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.)

Downing Street, February 19, 1891, 4.40 P.M.

NEWSPAPER report Notice circulated on west coast, pointing out that naval officers have not legal authority for enforcing provisions of Treaty, and recommending legal proceedings against them. Inquire into truth of report, and send copy of Notice.

Inclosure 3 in No. 48.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.)

(Received February 20, 1891, 7.23 P.M.)

REFERRING to your telegram of the 19th February, I caused inquiry to be made from all Stipendiary Magistrates on west coast, who report by telegram that nothing known of reported Notice. They have not seen nor heard of it. Local newspapers yesterday evening published extract from Halifax daily paper giving copy of alleged Notice, which was first time I received intimation.

Inclosure 4 in No. 48.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.)

(Received February 23, 1891.)

REFERRING to my telegram of the 20th February, Notice referred to appears to have been handed to Halifax daily papers by John Silver and Company, of Halifax, owners of factories on Treaty Shore.

Colonial Office to Foreign Office.—(Received March 6.)

Sir,

Downing Street, March 6, 1891.

WITH reference to the letter from this Department of the 27th ultimo, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of two further telegrams from the Governor of Newfoundland reporting that the Notice advising resistance to the naval officers is now being circulated on the west coast.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 49.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.)

(Received March 3, 1891.)

REFERRING to your telegram of 19th February and mine of 20th and 23rd February: Stipendiary Magistrate at St. George's Bay reports by telegram that Notice referred to is being circulated. I have sent by mail extract from Halifax daily papers containing copy of Notice.

Inclosure 2 in No. 49.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.)

(Received March 4, 1891.)

REFERRING to my telegram of 3rd March: Bonne Bay to-day reports by telegram that Notice has arrived there, so that I presume it is being circulated on the whole coast.

No. 50.

Agreement between Great Britain and France. Signed March 11, 1891.

THE Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions:—

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government, or by their Delegates, concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

3. The *modus vivendi* of 1890 relative to the catching and preparation of lobsters is renewed purely and simply for the fishery season of 1891.

LE Gouvernement de Sa Majesté Britannique et le Gouvernement de la République Française ayant résolu de soumettre à une Commission Arbitrale la solution de certaines difficultés survenues sur la partie des côtes de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Ray, en passant par le nord, sont tombés d'accord sur les dispositions suivantes:—

1. La Commission Arbitrale jugera et tranchera toutes les questions de principe qui lui seront soumises par l'un ou l'autre Gouvernement, ou par leurs Délégués, concernant la pêche du homard et sa préparation sur la partie susdite des côtes de Terre-Neuve.

2. Les deux Gouvernements s'engagent, chacun en ce qui le concerne, à exécuter les décisions de la Commission Arbitrale.

3. Le *modus vivendi* de 1890 relatif à la pêche du homard et à sa préparation est renouvelé purement et simplement pour la saison de pêche de 1891.

4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission, it may take cognizance of other subsidiary questions relative to the fisheries on the above-mentioned portion of the coasts of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

5. The Commission of Arbitration shall be composed :

(1.) Of three Specialists or Jurisconsults designated by common consent by the two Governments.

(2.) Of two Delegates of each country, who shall be the authorized channels of communication between the two Governments and the other Arbitrators.

6. The Commission of Arbitration thus formed of seven members shall decide by majority of votes and without appeal.

7. It shall meet as soon as possible.

Done at London, the 11th day of March, 1891.

(Signed) SALISBURY.
WADDINGTON.

4. Une fois que les questions relatives à la pêche du homard et à sa préparation auront été tranchées par la Commission, elle pourra être saisie d'autres questions subsidiaires relatives aux pêcheries de la partie susdite des côtes de Terre-Neuve, et sur le texte desquelles les deux Gouvernements seront préalablement tombés d'accord.

5. La Commission Arbitrale sera composée :

(1.) De trois Spécialistes ou Jurisconsultes désignés d'un commun accord par les deux Gouvernements.

(2.) De deux Délégués de chaque pays, qui seront les intermédiaires autorisés entre leurs Gouvernements et les autres Arbitres.

6. La Commission Arbitrale ainsi formée de sept membres statuera à la majorité des voix et sans appel.

7. Elle se réunira aussitôt que faire se pourra.

Fait à Londres, le 11 Mars, 1891.

(Signé) SALISBURY.
WADDINGTON.

No. 51.

M. Waddington to the Marquis of Salisbury.—(Received March 11.)

M. le Marquis,

Londres, le 11 Mars, 1891.

A LA suite de l'arrangement que nous avons signé en date de ce jour, en vue de soumettre à une Commission Arbitrale la solution de certaines difficultés survenues sur les côtes de Terre-Neuve, le Gouvernement de la République et celui de Sa Majesté la Reine ont désigné d'un commun accord les trois Arbitres dont les noms suivent :—

1. M. de Martens, Professeur de Droit des Gens à l'Université de Saint-Petersbourg.

2. M. Rivier, Consul-Général de Suisse à Bruxelles, Président de l'Institut de Droit International.

3. M. Gram, ancien membre de la Cour Suprême de Norvège.

Les frais généraux de l'arbitrage et les honoraires des trois Arbitres seront supportés par moitié par les deux Gouvernements. Il est bien entendu que la Commission, sauf dans le cas prévu par l'Article 4, écartera de ses discussions les questions qui lui seraient soumises et qui ne seraient pas relatives à la pêche du homard et à sa préparation.

Il est également entendu que le Gouvernement de la République réserve expressément avant la mise à exécution de l'arrangement précité, l'approbation des Chambres Françaises.

Veillez, &c.
(Signé) WADDINGTON.

[For Translation, see No. 52, which is identical.]

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur,

Foreign Office, March 11, 1891.

WITH reference to the arrangement which we have signed on the 11th of this month for the purpose of submitting to a Commission of Arbitration the solution of certain difficulties which have arisen on the coasts of Newfoundland, Her Britannic Majesty's Government and the Government of the French Republic have designated by common consent the three Arbitrators whose names follow:—

1. M. de Martens, Professor of International Law at the University of St. Petersburg.

2. M. Rivier, Consul-General of Switzerland at Brussels, President of the Institute of International Law.

3. M. Gram, formerly member of the Supreme Court of Norway.

The general expenses of the arbitration and the remuneration of the three Arbitrators shall be borne in equal moieties by the two Governments. It is well understood that the Commission, except in the case provided for by Article 4, shall exclude from its discussions any questions which may be submitted to it which do not relate to the catching and preparation of lobsters.

It is equally understood that Her Britannic Majesty's Government reserve expressly the approval of the British Parliament before the above-mentioned arrangement is put into execution.

I have, &c.
(Signed) SALISBURY.

FRANCE. No. 2 (1891).

FURTHER CORRESPONDENCE respecting the
Newfoundland Fisheries: 1890-91.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. March 1891.*

CROFTER COLONISATION.

THIRD REPORT

OF

HER MAJESTY'S COMMISSIONERS
APPOINTED TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN
HIGHLANDS AND ISLANDS OF SCOTLAND,

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



L O N D O N :

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1892.

[C.—6693.] *Price 1½d.*

THIRD REPORT
OF THE
COLONISATION BOARD.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

WE, the undersigned Commissioners, appointed under Your Majesty's Royal Sign Manual, for the purpose of carrying out a scheme of Colonisation in the Dominion of Canada, of Crofters and Cottars from the Western Highlands and Islands of Scotland, and from the congested districts of Ireland, desire humbly to submit to Your Majesty the following Report :—

Reports have recently been received from the agent of the Board in Canada, relating to the settlements at Killarney, in Manitoba, and at Saltcoats, in the North-West Territories. The former was established in the summer of 1888, and the latter in the spring of 1889.

Statements are appended giving extracts from the reports of the agent (Appendix A), and summaries of the returns (Appendix B), showing the position of the various families at the end of October last, with particulars of the acreage under wheat, oats, and potatoes, in the years 1890 and 1891, the number of tons of hay cut in the latter year, the extent of the land prepared for crop in the coming season, the buildings erected, the live stock on the farms, and other interesting information.

Killarney Settlement.

The following table relates to the Killarney settlement for 1891 :—

—	Acres.	Estimated Average Yield (Bushels).	Estimated Total Crop (Bushels).
Wheat - - -	2,110	20	42,200
Oats - - -	182	45	8,190
Potatoes - - -	11½	—	2,377

Most of the grain had not been threshed when the report of the agent was prepared, but the estimates are calculated at a lower rate than the actual yields were expected to return. Some of the grain already threshed yielded 28 bushels per acre for wheat, and 57 bushels per acre for oats, as compared with the estimates of 20 bushels and 45 bushels respectively. In a few cases the frost is reported to have done slight damage, but the above figures will not be materially affected thereby.

The value of the wheat for 1891 is estimated by the agent at over \$27,000 (5,550*l.*), of the oats at about \$1,700 (355*l.*), and of the potatoes at about \$356 (73*l.*). The average value of the crops for the year is, therefore, equal to nearly 200*l.* per family, irrespective of other sources of income.

The area prepared for cultivation in 1892 is 3,565½ acres, compared with 2,303½ in 1891, an increase of 1,262 acres, which is most gratifying. 896 tons of hay were obtained by the settlement, an increase of 378 tons over the previous year. It is satisfactory to observe that the younger members of the various families have amongst them no less than 1,374 acres of ploughed land ready for crop included in the total acreage of 3,565½ acres already alluded to.

As the settlement consists of 30 families, the average extent of land prepared for cultivation in 1892, including the heads of families, and the younger members thereof, is 119 acres per family, a result which could certainly never have been attained in the Hebrides.

In many other ways the settlement has considerably improved since our last report, and the holdings have consequently much increased in value. There are now 60 houses in the settlement (besides many additions to the buildings originally erected on the arrival of the crofters), of which 30 belong to the heads of families, and 30 to the younger members of the families who are now farming for themselves; and there has also been a substantial addition to the number of stables, granaries, and other buildings.

Reference must also be made to the considerable increase in the live stock in the possession of the various families, especially those under the headings in the statement of horses, oxen, and cows. The additional 38 oxen chiefly belong to the younger members of the families, and have been acquired out of their earnings. It will be noticed that the young stock has also shown a satisfactory increase, and now numbers 63 heifers, 53 steers, and 7 bulls.

In connexion with the very satisfactory condition of the Killarney settlement, it must not be forgotten that, for the first two years, its progress was comparatively slow, and that the crofters had to be assisted during the winter of 1888-89, and also with seed grain in the following spring.

It is perhaps a matter for regret that the settlers have acquired so much machinery on credit. They were warned against doing so, but the allurements of implement agents seem to have been difficult to withstand, and the scarcity of labour often makes it difficult to harvest the crops with rapidity, especially if reliance has to be placed on machinery not entirely under the control of the farmer.

The value of the land in the settlement, the buildings, stock, &c., is estimated at a low valuation, at about 16,000*l.*, against an indebtedness of about 5,000*l.*

Saltcoats Settlement.

The following table refers to the Saltcoats settlement for 1891 :—

—	Acres.	Estimated Average Yield (Bushels).	Estimated Total Crop (Bushels).
Wheat - - -	271½	—	—
Oats - - -	223½	—	—
Potatoes - - -	19¼	—	3,592

The report so far as it concerns Saltcoats is, as was to be expected, not quite so satisfactory as that relating to Killarney. There were 166½ acres more under wheat in 1891 than in 1890, 103 acres more of oats, and 3¼ acres more of potatoes. Manitoba and the North-West Territories, with a few exceptions, enjoyed a bountiful harvest last year, but unfortunately the Saltcoats district was one of the exceptions, the entire crop of wheat being seriously damaged by frost in the last week in August. The crofters are, however, self-supporting, and have not required any assistance from the Board.

The oat crop in 1891, although slightly damaged by frost, is said to be a fair sample, and the root crops are stated to be good.

The acreage in cultivation is not so large as could be wished, and it will probably not increase with the rapidity shown at Killarney, until a good crop has been obtained. In 1889, owing to inexperience of the country and to the dry season, the crofters did not get much crop. In 1890 they had not so much ground under cultivation as could have been expected, but the crops were excellent in quantity and quality. The grain, however, was somewhat damaged at harvest time by heavy rains, and owing to its not having been properly stacked. This naturally caused some disappointment. The crofters, however, had enough grain to supply their wants during the winter, for seed grain in 1891, and to pay the store debts they had incurred.

The acreage prepared for 1892 is 692¾, an increase of 178 acres over the preceding year.

The younger members of the families have 90 acres ready for cultivation in 1892, which indicates that the settlement is following the same course of development as that at Killarney. Several of them have also erected houses for themselves; and, as at Killarney, the erection of additional buildings by the heads of the families, has added to the value of the holdings.

The hay crop was 711 tons, an increase of 143 tons compared with 1890.

It is satisfactory to notice that the live stock in the possession of the crofters has considerably increased in numbers. There has also been a desire on the part of the crofters to acquire additional cows, whenever they could arrange to do so, and it is gratifying to notice that they have purchased no fewer than 17 out of funds provided by themselves.

It will be observed that the young stock is as numerous at Saltcoats as at Killarney, although the settlement is a year younger.

The indebtedness of the crofters to implement makers is very small compared with that at Killarney.

The value of the land in the settlement (exclusive of the abandoned homesteads), the buildings, stock, &c., is already estimated at a low valuation, at about 1,500*l.* in excess of the money advanced.

Although the progress of the two settlements has not been equal, it must be remembered that Killarney occupies a very favourable position. There the new settlers are surrounded by experienced farmers, whose example has proved to be of great value, besides affording employment for the crofters in their spare time. The Saltcoats settlers have had few or none of these advantages. The condition of the settlement, however, is (upon the whole) satisfactory. It is sure to improve year by year, and if the coming season is favourable, it will have a stimulating effect, especially as the crofters are beginning to understand, better than they did, the soil and climate, and the best methods of farming.

The general remarks of the agent of the Board upon the settlement are interesting. He says in effect that although the crofters are disappointed with the results of the past year, they have learned to know and like the country, and are looking cheerfully forward to the coming season, and that they acknowledge they have never been so well off.

The land of the settlers who abandoned their holdings in 1889, is in the possession of the Board, and a portion of the stock and chattels have been granted to the younger members of the families as they entered for land. The houses, stock, and chattels not required will be sold, and the proceeds credited to the accounts of the crofters, the balances remaining a charge against the land.

The honorary sub-committee of the board in Winnipeg has been of much assistance to us, and we desire to place on record our appreciation of the valuable services it has rendered.

LOTHIAN.
HORACE PLUNKETT.
CHARLES TUPPER.
JAMES KING.
R. W. COCHRAN PATRICK.
JOHN ROSS OF BLADENSBURG.
JOHN MUIR.
THOMAS SKINNER.

J. G. COLMER, Secretary.
29th April 1892.

APPENDIX A.

EXTRACTS FROM THE REPORT OF THE AGENT OF THE BOARD.

KILLARNEY SETTLEMENT.

For 1890 I have shown the yield of grain. I regret I am unable to give the same information for 1891. The crops have not yet been threshed. I have shown machinery purchased by crofters, to give the Board an idea of the weighty obligations (\$8,779.56) incurred by them. I have taken every opportunity to point out to crofters how unnecessary it was to go so largely into machinery. I have tried to convince them that half the quantity would, if used in partnership, perform the work required. A number of them still contend that "each man wants his own" and "they were not hard to get." From my Saltcoats report the Board will notice that we have only one binder (\$225.00) in that Colony and it is nearly paid for. It will be my intention, should the Board send out any more crofters, to inform the different implement firms the conditions of the lien given by a crofter to the Board, so that they could instruct their sub-agents.

I have computed the yield of wheat and oats for 1891 at the low estimate of 20 bushels for the former and 45 for the latter. The grain already threshed by the Harris crofters yielded wheat 28, and oats 57 bushels per acre. As some of the Lews crofters crops are slightly damaged by frost I think it advisable to estimate the average well under what I feel sure the yield will be.

I do not consider it would be advisable for the heads of families to crop much more land than at present, except in a few instances. Pasturage is required for the stock, and if the settler encroaches upon what is necessary for that purpose, he will make a serious mistake. It is quite evident that it is not their present intention to go largely into stock. I have endeavoured to impress upon each crofter that he should keep as much stock as he can procure hay for, pointing out to them that in the event of a poor crop, the sale of a few head of stock would recompense them for any loss. They seem to think cattle are too much bother and that "wheat pays best."

The Lews crofters wheat crop (1,186 acres) is in most instances very fair grain. A few of them have suffered slightly from frost. Their crop estimated at 20 bushels to the acre means 23,720 bushels. The grain should sell at an average of 60 cents. per bushel, amounting to \$14,232.00. The oat crop (141 acres) is only fair, estimated at 45 bushels would mean 6,345 bushels, and if sold at 20 cents. will realise \$1,269.00. Potato crop (7 acres) is a fair one, and amounted to 1,436 bushels. Last autumn it was difficult to find a market at 15 cents. a bushel, if sold at that price will realise \$215.40.

The Harris crofters wheat crop (924 acres) is very good. Grain large and good colour. Estimated at 20 bushels to the acre, means 18,480 bushels. This grain before navigation closed could find a market at 80 cents., present price 70 cents. per bushel, and if sold at 70 cents. will realise \$12,936.00. The acreage of oats (41 acres) is very small. Grain very good. Estimated at 45 bushels to the acre means 1,845 bushels. The price realised last year for oats was only 25 cents. a bushel, this may account for the small acreage of that grain under crop. If sold for that price this year will realise \$461.25. The potato crop is fair (4½ acres) and amounted to 941 bushels. If sold at 15 cents. will realise \$141.15.

The Board will see that the crofters had 2,110 acres of wheat in crop this year, against 1,349½ for 1890, an increase of 760½ acres; oats 182 acres against 64 acres, increase of 118 acres; potatoes 11½ acres against 10 acres, increase of 1½ acres. The number of acres under cultivation this year is 2,303½ against 1,423 acres for 1890, an increase of 880½ acres. Breaking for the same years 1,262 acres as against 859 acres, an increase of 403 acres. It is gratifying for me to be able to inform the Board that the Killarney and Glenboro's crofters will have under cultivation next year 3,565½ acres against 2,303½ acres last year, an increase of 1,262 acres, or an average of over 51 acres to each crofter. The number

of horses purchased by crofters for years 1890 and 1891 is for the former 1, and for the latter 28, an increase of 27. I have repeatedly pointed out to crofters it would be better for them to purchase another yoke of oxen instead of buying any expensive teams of horses, which meant raising oats for feed, shoeing, and many other incidental expenses at present unforeseen, the cost of a yoke of oxen being three-fourths less than a team of horses. Their argument is that the yokes supplied them in the first place are now useless; they have broken the required land, and a team of horses is now best, being faster, and can stand the work better than the yokes.

I believe that in the future the Board may confidently expect a greater return for the acreage under cultivation, as the crofters have not only learnt to farm and manage stock, but the land is in better condition.

SALTCOATS SETTLEMENT.

In my statement last year I estimated the probable yield of grain at much too high an average, it being rather over 15 bushels to the acre. The grain was damaged while being harvested by heavy rains. The loss would not have been so great had the crofters conformed to the usual method of stacking in this country. As it was, they placed their grain in too many stacks, and the rain penetrated. Notwithstanding all this, the crofters had sufficient yield to keep themselves and pay off store debts.

The Board will see I have not shown the yield of grain for the year 1891. I am unable to do so for the following two reasons. Firstly, no threshing is yet done, because the threshing machine hired for that purpose is destroyed by fire. Secondly, the wheat crop is badly frozen, and it is impossible to form any correct idea of the average.

The oat crop, although damaged by frost, is a fair sample, and will with few exceptions pay to thresh. The root crop is good.

I beg to call the Board's attention to the comparatively small amount of farm machinery purchased, \$900.77 against \$8,779.56 of the Killarney crofters.

The Board will see we had 271½ acres of wheat this year against 105½ last year, an increase of 166½ acres; oats, 223½ acres against 120½, an increase of 103½ acres; potatoes, 19½ against 15½, an increase of 3½ acres. The number of acres under cultivation, 514½ against 231½, an increase of 282½. Breaking, 178½ as against 182, a decrease of 3½ acres. The land ready for crop next year is 692½ acres against 514½, an increase of 178 acres. The increase of live stock is very good.

The small acreage ready for cultivation next year, 692 acres, can only be accounted for by the crofters refusing to break more land "until they get a crop"; they say they can earn more money working out, and that their families in their absence can look after stock, &c., they returning in time for harvest. It is regrettable we have no large farmers about here to set them an example, as is the case with the Killarney crofters.

The land is undeniably now in a much better condition for producing a wheat crop than formerly. I think the crofters may expect a crop of that grain next year, but that they will never reach the same ratio of yield as the Killarney crofters, it being generally understood that this part of the country is better adapted for stock raising than grain growing. Consequently the crofters here will go in more for stock than grain.

All the people are, of course, disappointed with the present year, but have learnt to know and like the country so well that they are already cheerfully looking forward to next season. Meantime, while they do not overlook the fact that although this year has not been so profitable as they expected, they acknowledge that they were never so well off. All are pleased with the education given their children, for which they do not have to pay in any way, and say that they were never so healthy as since they came to this country.

APPENDIX B.

KILLARNEY CROFTERS.

[illegible]

KILLARNEY CROFTERS—continued

Lien Number.	Heads of Families.	Younger Members.	Acres under Cultivation.						Total Acres under Cultivation, 1891.	Breaking for 1892.	Grand Total, 1892.	Live Stock on Farm.											Implements purchased from Machine Agents.							Cost of Machinery.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
			1890.				1891.					Wells.	Implement Sheds.	Granaries.	Hen-houses.	Stables.	Additions.	Houses.	Horses.	Oxen, I. C. B.	Oxen.	Cows, I. C. B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Ducks.	Geese.		Turkeys.	Pigs.	Sheep.	Mowers.	Rakers.	Ploughs.	Binders.	Seeders.	Harrow.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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KILLARNEY CROFTERS—continued.

Lien Number.	Heads of Families.	Younger Members.	Acres under Cultivation.						Total Acres under Cultivation, 1891.	Breaking for 1892.	Grand Total, 1892.	Live Stock on Farm.												Implements purchased from Machine Agents.								Cost of Machinery.	
			Acres under Cultivation.									Tons of Hay cut.	Ducks.	Geese.	Turkeys.	Pigs.	Sheep.	Horses.	Oxen, I. C. B.	Cows, I. C. B.	Helters.	Steers.	Bulls.	Chickens.	Mowers.	Rakes.	Ploughs.	Binders.	Seeders.	Harrows.			
			1890.	1891.	1890.	1891.	1890.	1891.																							Potatoes.		1890.	1891.	Potatoes.
27	Donald Stewart	-	1,020	1,580	46	132	8	9	1,751	2,754	893	2	40	51	31	30	44	31	7	1,176	..	6	67	7	11	15	13	18	16	4	23	6,302	54
27/49	-	Kenneth Stewart	6	15	..	..	..	..	80	30	110	60	2	1	1	4	6	6	6	..	105	5	2	7	36	..	..	..	..	..	..	..	..
27/68	-	William McLeod	6	16	..	..	..	..	15	10	25	10	..	2	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..
28	Ronald McKay	-	40	60	5	5	4	4	63	25	90	20	2	2	1	1	1	3	..	60	..	..	6	..	..	1	..	..	1	1	1	365	00
29	Dugald McKenzie	-	35	47	2	2	4	4	49	12	61	18	..	2	..	1	3	1	..	27	..	..	8	..	..	4	..	..	4	1	1	228	34
29/69	-	Donald McKenzie	5	27	..	..	..	..	27	16	43	10	..	..	3	3	3	..	..	..	..	..	..	..	..	4	1	..	4	1	1	88	34
29/70	-	John McKay	5	30	..	..	..	..	30	20	50	15	..	..	3	..	..	..	..	..	..	..	..	..	..	4	1	..	..	..	..	38	34
29/71	-	Hugh Morrison	10	20	..	..	..	..	20	15	35	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	1	50	00
30	Roderick McKay	-	36	40	1	4	4	4	44	20	64	20	2	2	1	2	2	5	..	37	..	..	9	..	..	1	..	1	1	1	1	395	00
30/73	-	John McKay	8	14	..	..	..	..	14	14	28	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
31	B. McKinnon	-	43	65	2	3	..	4	63	40	103	10	..	3	1	1	1	1	..	27	..	..	5	..	..	..	1	1	1	1	1	250	00
31/60	-	Kenneth McMillan	8	12	..	..	..	..	13	13	24	10	2	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	1	50	00
32	Kenneth McLeod	-	32	50	..	..	..	4	50	8	58	15	..	3	1	1	3	4	..	60	..	..	7	..	..	..	..	..	1	1	1	230	00
33	John Fraser	-	30	40	..	..	..	4	40	20	60	20	2	2	2	2	1	3	..	15	..	..	..	..	1	4	..	..	4	1	245	00	
33/51	-	Donald Fraser	5	14	..	6	..	..	20	7	27	15	2	..	..	..	..	..	..	..	..	..	..	..	..	4	..	..	4	4	167	00	
		Total	1,349	2,110	64	182	10	11	2,304	1,282	3,585	28	54	62	40	30	63	53	7	1,507	5	24	13	138	7	12	20	164	22	23	34	8,779	56

Ten Number.	Heads of Families.	Younger Members.	Acres under Cultivation.						Total Acres under Cultivation.	Breaking for 1892.	Grand Total 1892.	Total Tons of Hay cut.	Live Stock on Farms.												Implement purchased from Machine Agents.										
			Wheat.		Oats.		Potatoes.						Horses.	Oxen, I. C. B.	Oxen.	Cows, I. C. B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Ducks.	Geese.	Turkeys.	Pigs.	Sheep.	Sleighs.	Mowers.	Rakes.	Ploughs.	Binders.	Seeders.	Harrow.	Cost of Machinery.	
			1890.	1891.	1890.	1891.	1890.	1891.																											
2	Kenneth McLeod	-	-	-	-	-	-	1	8	13	5	7	4	20 1/2	5	20 1/2	1	1	1	12	..	..	..	..	..	..	..	..	..	..	1	25	00	
2/51	-	Murdo Melver	..	..	..	..	..	..	..	..	5	..	..	..	5	5	2	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..
4	Catherine McDonald	-	1	..	3 1/2	1 1/2	1	6	..	..	..	1 1/2	1	16 1/2	..	16	2	2	2	16	..	..	..	..	..	..	..	..	..	..	..	..	..
5	Malcolm McKay	-	2	3	8	5	11	4	20 1/2	6	25 1/2	20	25	25	6	25	1	3	2	25	1	..	..	..	..	..	..	..	..	..	1	41	25	
5/54	-	Donald McKay	..	..	..	..	..	..	..	..	5	..	..	..	5	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
5/95	-	Neil McKay	1	..	..	..	..	..	..	..	..	..	..	..	..	..	2	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..
6	Donald Morrison	-	1	2	10 4/5	4	4	4	14 1/2	2	16 1/2	20	20	20	2	16 1/2	2	2	2	40	..	..	..	..	..	..	..	..	..	..	..	..	..	..
7	Norman McAuley	-	1	4	8	4	4	8	12 1/2	4	16 1/2	12	12	12	4	16 1/2	1	3	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
10	Donald McDonald	-	1	14	20	..	8	28 1/2	28 1/2	10	38 1/2	15	15	15	10	38 1/2	1	1	1	1	25	00
11	Charles Docherty	-	1	6	10	6	12	22 1/2	22 1/2	2 1/2	25	40	40	40	2 1/2	25	1	4	4	43	..	..	..	..	..	..	..	..	..	..	..	1	126	84
11/58	-	John Docherty	1	..	..	..	..	..	..	..	13	12	12	12	..	13	2	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
12	Alexander McDonald	-	2	6	8	5	9	17 1/2	17 1/2	2	19 1/2	25	25	25	2	19 1/2	1	3	3	107	..	..	8	..	..	..	..	..	..	..	..	1	126	84
14	Donald Graham	-	1	6	16	7	5	21 1/2	21 1/2	..	21 1/2	20	20	20	..	21 1/2	3	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15	Angus Smith	-	1	..	2	..	5	7 1/2	7 1/2	3	10 1/2	15	15	15	3	10 1/2	2	2	15	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15/60	-	Roderick Smith	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
16	Alexander McLean	-	1	5	8	3	6	14 1/2	14 1/2	..	14 1/2	20	20	20	..	14 1/2	2	2	41	..	..	..	..	..	..	..	..	..	..	..	1	12	50	
16/61	-	Alexander McLean	1	..	..	..	..	..	..	..	5	5	5	5	5	5	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	1	51	00
17	John McLean	-	1	7	12	3	7	18 1/2	18 1/2	12	31 1/2	45	45	45	12	31 1/2	4	3	15	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
19	Margaret McKay	-	1	..	3	..	1	5	5	..	5	12	12	12	..	5	1	1	15	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
19/65	-	Morrison McKay	1	..	..	..	..	..	..	..	5	5	5	5	5	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20	Kenneth Murray	-	1	1	3	..	3	6 1/2	6 1/2	5	11 1/2	12	12	12	5	11 1/2	3	3	17	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
22	Alexander Mitchell	-	1	1	8	5	5	13 1/2	13 1/2	2	15 1/2	18	18	18	2	15 1/2	2	2	15	..	..	..	..	..	..	..	..	..	..	..	..	1	25	00
24	Malcolm McDonald	-	1	3	8	3	5	14 1/2	14 1/2	6	20 1/2	16	16	16	6	20 1/2	2	2	30	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
25	Donald McDonald	-	1	4	9	5 1/2	10 1/2	20 1/2	20 1/2	6	26 1/2	30	30	30	6	26 1/2	2	2	30	..	..	..	..	..	..	..	..	..	..	..	1	126	84	
25/71	-	Murdo McDonald	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
26	Angus McKay	-	1	..	..	..	..	1	1	3	4	16	16	16	3	4	3	2	13	..	..	..	..	..	..	..	..	..	..	..	..	7 1/2	660	27

RECAPITULATION.

Number of Homesteaders.	Live Stock on Homesteads.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
	Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking.	Grand Total.	Tons of Hay Cut.	Live Stock on Homesteads.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.					Horses.	Oxen, I. C. B.	Oxen.	Cows, I. C. B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Ducks.	Geese.	Turkeys.	Pigs.	Sheep.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
44 Saltcoats Homesteaders:—																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																

BRITISH COLUMBIA (LOAN).

RETURN to an Order of the Honourable The House of Commons,
dated 17 June 1892 ;—for,

COPY “of a TREASURY MEMORANDUM respecting a LOAN of £. 150,000
proposed to be made to *British Columbia* for purposes of CROFTER
COLONIZATION.”

Treasury Chambers, }
June 1892. }

J. E. GORST.

(*Sir John Gorst.*)

Ordered, by The House of Commons, to be Printed,
17 June 1892.

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MEMORANDUM RESPECTING A LOAN OF £ 150,000
PROPOSED TO BE MADE TO BRITISH COLUMBIA, FOR PURPOSES
OF CROFTER COLONISATION.

The Select Committee of 1891 on Colonisation reported to the following effect:—

“The proposals of the Government of British Columbia have much to recommend them. Under an order of the Lieutenant Governor in Council in 1888, Mr. Begg was appointed a Commissioner to submit to Her Majesty’s Government a scheme under which, experimentally, an advance of £.150,000 would be made by the Treasury, to bear interest at the rate of 2½ per cent. (but the interest for the first five years to be added to the capital sums) until repayment by the Government of British Columbia, who would guarantee the repayment of principal and interest. With the funds, &c. provided it is proposed to take out gradually 1,250 families, and to settle them on locations variously suited for agriculture, fruit culture, sea fishing, and other industries. Mr. Begg’s negotiation advanced so far that in 1888 the Treasury were apparently willing to grant the sum asked, but on more onerous conditions, which the Colonial Government did not see its way to accept. The appointment of the Committee of 1889 threw this and other schemes into abeyance, and the Commissioner has been ever since in a state of expectancy of its judgment on his project.

“That project presents the rare recommendation that it demands from the public purse or from local funds no assistance beyond the Imperial Loan, the repayment of which is guaranteed by a solvent and promising Province, which seems to possess ample resources for the settlement of a large population. In the respects of climate and seaboard it is well suited for the reception of a class accustomed both to land and sea pursuits. In many particulars the requisite machinery is incomplete, but your Committee see no reason to doubt that the enterprise of the Colonial Government would soon supply what is deficient, aware, as they would be, that the success of their undertaking would depend upon their very first shipments of emigrants being well selected and well provided for in every way. Your Committee think that in no way could the object recognised as necessary be obtained with less outlay or risk to the national exchequer, and they can conceive of many considerations in which the colonization of British Columbia by a maritime population would appear to be desirable in the interests of the British Empire. They do not think that by any one scheme the adequate relief of the congested districts can be attained; and they recommend the offer of the Government of British Columbia to the early and favourable consideration of Her Majesty’s Government and Parliament.”

On the 18th March 1891 Mr. Begg wrote to the Scottish Office, enclosing copy of an Order in Council of the British Columbia Government of 30th October 1888, which had been passed in view of Her Majesty’s Government’s previous stipulations, and in which the following modified Schemes were submitted as alternatives:—

A. £150,000 to be advanced by Her Majesty’s Government, redeemable in 30 years, on the following conditions:—

(1.) The whole sum to be free of interest during the first five years, and afterwards to bear interest at 3½ per cent.

(2.) After providing for the expenses of negotiation and of an experimental settlement of 50 families, the balance to be handed over to the Government of British Columbia, for investment as a Colonisation Fund.

(3.) Colony to have power during first five years to repay the whole £. 150,000 without interest, if the trial proves unsatisfactory, retaining any profit from investment to recoup outlay.

(4.) On acceptance of above terms by Her Majesty’s Government, the Government of British Columbia to obtain statutory authority to carry out the scheme and provide for sinking fund and interest.

B. £. 150,000 to be advanced for 30 years. Interest not to be payable for first five years, but at the expiration of that period to be added to the principal sum, and the whole to bear interest at $2\frac{1}{4}$ per cent., redeemable in 25 years. The Government of British Columbia to guarantee the annual payment of sinking fund and interest, subject to the same conditions and provisos apparently as in Scheme A.

On 10th June 1891, the Chancellor of the Exchequer made the following communication to Mr. Begg.

“ Her Majesty’s Government are prepared to accede to the application of the Government of British Columbia for a loan of £. 150,000 from the Imperial Government, for colonisation purposes, upon the following conditions :—

“ (1.) The Government of British Columbia are to undertake, by the aid of the above-mentioned sum, to transfer from 1,000 to 1,250 families of crofter fishermen and others from the Western Highlands and Islands of Scotland to British Columbia, to locate them on free lands on the sea coast and islands of that country, and to provide them with dwellings and means of livelihood.

“ It is proposed that the colonists should be transferred in parties, beginning with 50 families ; the whole number of families to be located within six years from the time of the first settlement. It is hoped that the cost of settlement will be about £. 120 per family ; but in any case the cost is not to exceed £. 150 per family.

“ (2.) The sum of £. 150,000 is to be advanced in three instalments of £. 50,000. The first instalment is to be advanced as soon as an Act providing for carrying out the scheme under consideration and containing the necessary financial clauses has been passed by the Legislature of British Columbia, in a form satisfactory to Her Majesty’s Government. The 2nd instalment is to be advanced when the first instalment has been expended upon settling such number of families as it will provide for ; and the third instalment when the second has been so expended.

“ (3.) The Government of British Columbia are to guarantee repayment of the sum advanced with interest at three per cent. per annum. Repayment of each instalment of the loan is to commence at the end of five years from the date at which it was advanced. The interest during these five years is to be added in each year to the principal of the loan ; and the whole amount of each portion of the loan is to be repaid by equal annual instalments extending over 25 years from the date at which in each case repayment begins.

“ (4.) All responsibility for the welfare of the families settled will naturally rest with the Government of British Columbia ; but Her Majesty’s Government will from time to time ask the Government of British Columbia for such information as will enable them to satisfy themselves that the further advances can with advantage be made. Should it at any time appear to Her Majesty’s Government or to the Government of British Columbia that the measure of success attending the Colonisation Scheme has not been adequate, and that it is therefore desirable to abandon the further carrying out of the scheme, any unexpended balance in the hands of the Government of British Columbia will then be repaid with the interest accrued up to the date of repayment.

“ Mention was made of the question whether the Scotch Office could bear any of the expense of the agency employed in selecting families. The Chancellor of the Exchequer said that this point should have his consideration, but that he could not give any pledge on the subject.

“ The sum suggested was £. 500 per annum.”

On the 12th of April 1892, the following letter was received by the Chancellor of the Exchequer :

Treasury, Victoria, B.C.,
12 April 1892.

Sir,

In conformity with my cablegram to you of this date, I herewith enclose two Acts passed by the Legislature of this Province, viz. :

" 1. An Act to authorize an Agreement with her Majesty's Government for the settling of fishermen and others in British Columbia."

" 2. An Act to encourage the Deep Sea Fisheries of British Columbia."

And have the honour to inform you that the Government are considering the advisability of sending a representative to confer with the Imperial Government in connection therewith.

I have, &c.
(signed) *J. H. Turnor*,
Minister of Finance.

No. 61.]

[1892.

An ACT to authorise an Agreement with Her Majesty's Government for the settling of FISHERMEN and others in BRITISH COLUMBIA.

WHEREAS a scheme has been suggested for transferring families of fishermen and others (hereinafter termed "Colonists") from the United Kingdom, and settling them upon the sea coast and islands of British Columbia; and whereas an offer has been made by Her Majesty's Government to advance a sum of 150,000 *l.* to the Province in furtherance of such settlement; and whereas an association has been formed in England having for its object the conducting of negotiations with the Province and the conclusion of a provisional agreement with the Province, which shall allow of and induce the formation of a company in England for the purposes, among other things, of assisting in the settlement of Colonists upon the coasts of British Columbia, and the establishment of fisheries and contingent interests.

And whereas it is advisable that the Government of British Columbia should be authorised to conclude an agreement with Her Majesty's Government for the transfer of not more than twelve hundred and fifty families of Colonists from the United Kingdom to British Columbia, upon the conditions hereinafter contained and upon such other terms as may be concluded between the Lieutenant Governor in Council of this Province and Her Majesty's Government :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

1. It shall be lawful for the Lieutenant Governor in Council to make such arrangements with Her Majesty's Government as may be deemed advisable for bringing families of Colonists from the United Kingdom to British Columbia, not to exceed twelve hundred and fifty families, and for the settling of such Colonists upon lands of the Province, subject always to a condition for termination at any time, should it appear to Her Majesty's Government or to the Government of British Columbia that the measure of success attending the scheme has not been adequate, and that it is therefore desirable to abandon the further carrying out of the same.

2. It shall be lawful for the Lieutenant Governor in Council to accept from Her Majesty's Government a loan of 150,000 *l.* in three instalments, each of 50,000 *l.*, the first instalment being payable upon the concluding of the terms of the said agreement; the second instalment to be payable when the first instalment has been expended in settling such number of families as it will provide for, and the third instalment to be advanced when the second instalment has been so expended.

302.

3. It

3. It shall be lawful for the Lieutenant Governor in Council to pledge the credit of the Province by issuing debentures, or in such other manner as may be agreed between the contracting parties, and to provide by Order in Council for the repayment of the sums to be advanced under the authority of this Act, together with interest at the rate of three per centum per annum: Provided that the time for the repayment of each instalment of the loan shall commence at the termination of five years from the date of the advance, and that the interest accruing during such five years shall be added in each year to the principal of the loan, which with the interest so accruing during the said period of five years shall be repayable by equal instalments extending over a period of twenty-five years from the date at which in each case repayment begins; and it shall further be lawful for the Lieutenant Governor in Council to provide for the repayment to Her Majesty's Government of any unexpended balance in the hands of the Province of British Columbia, should it at any time be decided to be desirable to abandon the further carrying out of the scheme of settlement, together with accrued interest at the rate of three per cent. per annum upon any such unexpended balance.

4. It shall be lawful for the Lieutenant Governor in Council to enter into such arrangements and to make such engagements with Her Majesty's Government for the purpose of carrying out the scheme and object of this Act as may from time to time be determined by Order in Council; and it shall also be lawful for the Lieutenant in Council from time to time hereafter to make and pass all such Orders in Council and regulations as may be deemed to be necessary for the carrying into effect of the provisions of this Act, and of any agreement to be made hereunder.

5. This Act may be cited as the "Colonization Act, 1892."

No. 62.]

[1892.

An ACT to encourage the DEEP SEA FISHERIES OF BRITISH COLUMBIA.

WHEREAS an Act is intended to be passed at the present Session of the Legislature of the Province of British Columbia authorising the Government to make an agreement with Her Majesty's Government relative to the transferring colonies of fishermen and others (therein and hereinafter called "Colonists") with their families, from the United Kingdom, and locating them in the Province of British Columbia:

And whereas it is necessary for the proper carrying out of the objects of such Act that a commercial company should be formed for the purpose of assisting the settlement of such Colonists upon the Sea Coasts and furnishing them suitable employment, for providing facilities for marketing the product of their labours, and for adopting such measures as will further the development of the deep-sea fisheries, secure the establishment of contingent industries, and promote the colonization of the Province:

And whereas a company has been incorporated in England under the name of the "Vancouver Island Development Syndicate, Limited," having for its objects the conducting of negotiations with the Province of British Columbia, and the conclusion of a provisional agreement with the said Province, which shall allow of and induce the formation of a company in England, under the "Joint Stock Companies Act, 1862," and amending Acts, for the purpose, among other things, of assisting the settling of such Colonists upon the coasts of the province, and the establishment of fisheries and contingent interests:

And whereas it is desirable that the Government should be authorised to enter into such provisional agreement with the "Vancouver Island Development Syndicate, Limited," and should be also authorised to make and conclude arrangements with the intended company, when formed, for assisting the settlement and welfare of the Colonists, and should be further authorised to make a grant of public lands in aid of such settlement:

Therefore,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Lieutenant Governor in Council to enter into an agreement with the "Vancouver Island Development Syndicate, Limited," under which the said syndicate shall undertake the formation of a company of such character and with such corporate objects as are requisite in a company which would completely carry out the purposes and attain the ends of this Act in consideration of which undertaking the Lieutenant Governor in Council may engage to enter into an agreement with such company when formed, for the carrying out of the provisions and intent of this Act

2. Upon the formation under the "Companies Act, 1862," and amending Acts, of a company in England, with a capital of not less than one million pounds sterling (hereinafter called "the company"), whose corporate objects shall include co-operation with the Government of this Province in settling the Colonists upon the coasts of this Province, furnishing suitable employment for such Colonists, providing them with boats, tackle, and appliances for fishing purposes, and providing facilities for the marketing of the product of the labours of the Colonists, and for the adoption of such measures as will further the development of the deep-sea fisheries of British Columbia and the establishment of contingent industries therein, and subject to the company depositing to the credit of the Government of British Columbia the sum of one hundred thousand dollars in the Bank of British Columbia, or in some other chartered bank in the Province to be named by the Lieutenant Governor in Council, as a guarantee that the company will carry out any agreement to be made with the Lieutenant Governor in Council for the bringing of Colonists to the Province and settling them on the sea coasts and islands thereof, suitably to the provisions of the "Colonisation Act, 1892," and for enabling the Colonists to commence and prosecute fishing industries in the Province, the establishing of trading stations and settlements, and the general well-being of the Colonists, it shall be lawful for the Lieutenant Governor in Council to enter into an agreement with the company to carry into effect the purposes for which such guarantee shall be given, and for the permanent establishment of fishing and other industries in the Province, and for the grant to the company of public lands, not exceeding five hundred thousand acres, to be granted to the company from time to time upon such terms and conditions as will secure the appropriation thereof of suitable locations for the Colonists and the carrying out of this Act. Such locations for the Colonists to be selected by a representative of the Provincial Government and a representative of the company.

3. So soon as the company shall satisfy the Lieutenant Governor in Council that they have expended in the Province a sum of not less than one hundred thousand dollars in permanent improvements, and in buildings, machinery, plant, and other things needful for enabling Colonists to commence and prosecute fishing industries in the Province, and upon the company furnishing to the satisfaction of the Lieutenant Governor in Council such other security as may be provided by any agreement to be made under Sections 1 and 2 of this Act for the further carrying out of the terms of any such agreement, then the said deposit of one hundred thousand dollars, with any accrued interest thereon, shall be forthwith refunded to the company.

4. It shall be lawful for the Lieutenant-Governor of British Columbia in Council, subject to the conditions of this Act and to the terms of any agreement to be made hereunder, to grant to the company such of the public lands of the Province, not exceeding five hundred thousand acres, as may from time to time be selected by the company out of the areas embraced in Schedule "A" to this Act.

5. The areas embraced in Schedule "A" to this Act may be from time to time reserved by the Lieutenant Governor in Council until the lands intended to be acquired by the company shall have been selected as hereinafter provided, and for such further time as the Lieutenant Governor in Council may deem it to be necessary for the earning of the same by the company under the provisions of this Act.

6. The

6. The date of the formation of the company shall be not later than the 31st day of December 1892, or such other date not beyond the 31st day of December 1893, as the Lieutenant Governor may name.

7. The surveys necessary for defining the lands to be set apart for the company shall be made at the expense of the company, and such surveys shall be conducted in accordance with the land laws of the Province, and shall be completed to the satisfaction of the Chief Commissioner of Lands and Works for the time being, and plans thereof from time to time filed in the Land Office, together with field-notes.

8. The company shall complete the survey within three years from its formation, and shall during the first year after its formation survey not less than one hundred thousand acres.

9. After such surveys have been made the company shall select such lands as they require, and such selection shall be made not later than six months from the completion of the surveys, and notice thereof given in writing to the Chief Commissioner of Lands and Works for the Province, or within such further time as may be fixed by the Lieutenant Governor in Council.

10. The lands to be granted to the company shall not be subject to taxation until the the expiration of ten years from the date of their selection by the company, or until alienated, which ever event may soonest happen; and the personal property of the company shall not be subject to the taxation for the period of two years from the date of the formation of the company.

11. The Lieutenant Governor in Council may from time to time pass all such Orders in Council, and make all such rules and regulations, and enter into all such agreements and contracts as may from time to time be deemed necessary for the purpose of carrying out the object of this Act and the scheme of colonization and settlement provided for by this Act and by the said "Colonization Act, 1892."

12. This Act may be cited as the "Deep Sea Fisheries Act, 1892."

SCHEDULE A.

PORT SAN JUAN.

The area within the limits marked on Government plan as far east as the eastern boundary line of sections 4, 9, and 16, in township 10, bounded on the south by the northern limit of township 12, and on the north-west and south-west by the red line limit of Government plan.

The area on Admiralty chart within latitude within $48^{\circ} 35'$ and west longitude $124^{\circ} 24'$ from the westerly limits of Government plan, including coast line between these parallels.

BARCLAY SOUND AND CLAYOQUOT SOUND.

The area embracing the Cape Beale Peninsula, from Palchena Bay to the existing Bamfield Creek allotments.

The lands situated between latitude $48^{\circ} 51' 20''$ and latitude $48^{\circ} 54' 30''$, bounded on the east by longitude $124^{\circ} 55''$, and bounded on the west by the seaboard.

The lands within the triangle on the east side of Alberni Canal, between latitude $49^{\circ} 4' 30''$ and the boundary line of the land grant of the Esquimalt and Nanaimo Railway Company.

Copper Island, Robber Island, and the Deer Islands Group.

Village Island, with Gibraltar, Nettle, and Puzzle Island Group.

Valley at the head of Uchucklesit Harbour, four miles long by two miles wide, and running in a north-westerly direction.

The

The lands embraced in the coast line from the entrance to Pipestem Inlet to a point in Tofino Inlet on latitude $49^{\circ} 6' 40''$ and longitude $125^{\circ} 44' 20''$; thence by a straight line to a point on latitude $48^{\circ} 56' 30''$ and longitude $125^{\circ} 30'$; thence following the foot-hills in a north-westerly direction to the point of commencement.

Vargas Island.

Flores Island.

ESPERANZA INLET AND NOOTKA SOUND.

The land south of latitude $49^{\circ} 30'$, and lying between the sea-coast and Sydney Inlet, including Hesquiat Harbour.

The land on Machalat Arm extending one mile on each side of Gold River and six miles upwards from its mouth.

The promontory comprising Port Langford as far east as a line drawn through on $126^{\circ} 53'$ west longitude.

The land lying between Port Eliza and round the coast to the head of Deep Inlet, including Catala Island.

QUATSINO TO ESPERANZA, INCLUDING KYUOQUOT SOUND.

The land on river at head of Tahshish Arm, one mile on each side and extending ten miles inland from its mouth.

Union Island and Table Island.

A strip of coast line one mile wide commencing with Bunsby Islands around the shores of On On Kinch and Nasperte Inlets south-westwards to a point near Bankes Reef.

GOLETAS CHANNEL TO QUATSINO SOUND.

The unallotted portions of townships 30 and 39, and west half of 28; townships 41, 42, 43, 44, 35, 34, 23, and 22, with the Cox, Lanz, Galiano, Balaclava, Hirst, and Gordon Group of Islands.

JOHNSTONE AND BROUGHTON STRAITS.

Malcolm Island.

The lands on the mainland of Vancouver Island from and including Beaver Cove, two miles back from seaboard, and north-west to head of Hardy Bay.

CAPE CAUTION TO PORT SIMPSON.

Gribbel Island, and the peninsula formed by drawing a line from Fishermen's Cove to the head of Triumph Bay.

The portion of the Tsimpsean Peninsula lying between the Indian Reserve on the west and the shore of Work Channel on the east, and between latitude $54^{\circ} 25'$ and latitude $54^{\circ} 30'$.

Middle and South Dundas Islands.

QUEEN CHARLOTTE ISLANDS.

The portion of Graham Island between Masset Inlet and the west coast, lying north of latitude $53^{\circ} 40'$ and between west longitude $132^{\circ} 15'$ and the east coast of Graham Islands, bounded on the north by latitude $53^{\circ} 40'$. The portion of Moresby Island, and its adjacent islands at far south as latitude $53^{\circ} 39'$, including Lyall Island, and the southern extremity of Moresby Island as far north as latitude $52^{\circ} 17'$.

16 June 1892.

R. E. Welby.

BRITISH COLUMBIA (LOAN).

COPY of a TREASURY MEMORANDUM respecting a LOAN of £. 150,000 proposed to be made to *British Columbia* for purposes of GREATER COLONIZATION.

(*Sir John Gorst.*)

*Ordered, by The House of Commons, to be Printed,
17 June 1892.*

[*Price 1½ d.*]

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COLONIAL REPORTS.—ANNUAL.

No. 34.

NEWFOUNDLAND.

ANNUAL REPORT FOR 1890.

(For Report for 1889 *see* Colonial Report [Annual] No. 5.)

Presented to both Houses of Parliament by Command of Her Majesty.



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1892.

[C.—6563.—18.]

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110	Gold Coast (Agriculture) - - - - -	1890
111	Labuan - - - - -	1889
112	Jamaica - - - - -	"
113	Falkland Islands - - - - -	"
114	Basutoland - - - - -	1889-90
115	Sierra Leone - - - - -	1889
116	Fiji - - - - -	"
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1	British Honduras - - - - -	1889
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5	Newfoundland - - - - -	"
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7	St. Vincent - - - - -	1890
8	Bermuda - - - - -	"
9	Leeward Islands - - - - -	1889
10	St. Lucia - - - - -	1890
11	Bahamas - - - - -	"
12	Turks and Caicos Islands - - - - -	"
13	Gibraltar - - - - -	"
14	Zululand - - - - -	"
15	Sierra Leone - - - - -	"
16	Barbados - - - - -	"
17	Falkland Islands - - - - -	"
18	Labuan - - - - -	"
19	British Honduras - - - - -	"
20	Basutoland - - - - -	1890-91
21	Trinidad and Tobago - - - - -	1890
22	Leeward Islands - - - - -	"
23	Grenada - - - - -	"
24	Straits Settlements - - - - -	"
25	British Guiana - - - - -	"
26	St. Helena - - - - -	"
27	Mauritius - - - - -	"
28	Gambia - - - - -	"
29	Hong Kong - - - - -	"
30	Ceylon - - - - -	1889
31	Lagos - - - - -	"
32	Lagos - - - - -	1890
33	Ceylon - - - - -	"

No. 34.

NEWFOUND-
LAND.

NEWFOUNDLAND.

(For Report for 1889 *see* Colonial Report [Annual] No. 5.)

Sir TERENCE O'BRIEN to LORD KNUTSFORD.

Government House, St. John's,
December 5, 1891.

MY LORD,

I HAVE the honour to forward herewith the annual Blue Book of this Colony for the year 1890, together with the Colonial Secretary's Report thereon.

2. Though still much behind the regulated time, yet I am glad to find that they are submitted this year earlier than before, and I trust that in time greater punctuality will be arrived at; though from our length of coast and the difficulty of collecting returns from the out-harbours, most of which are closed in winter, I fear that we shall never be able to furnish these documents by the date laid down.

3. Last year was not, with the exception of that of Labrador, a good year for our fisheries; the progress, however, made in agriculture, lumbering, mining, &c., is satisfactory, showing that the great and undoubted resources of the Colony are beginning to attract some portion of the attention which has hitherto been devoted to the sea, and which, had they been diverted years ago into these channels, would have vastly increased the prosperity of the Island.

4. It is a great misfortune that, from its proximity to Europe, the capital and the largest amount of our population should be settled on the Peninsula of Avalon, the rocky coast of which, exposed to the fury of the Atlantic gales, first receives the fogs from the Banks, giving to the passer-by, at this our only port of call for mail steamers, but a very poor idea of the fogless climate, milder and more equable than that of Canada, the lovely scenery, fine land and vast forests, as well as of the great and varied mineral resources of other parts of the Island, which are only awaiting population, energy, capital, and enterprise for their development.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Colonel,

Governor.

The Right Hon.

Lord Knutsford, G.C.M.G.

&c. &c. &c.

NEWFOUND.
LAND.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to forward to you herewith the Blue Book of this Colony for the year 1890, to be transmitted for the information of Her Majesty's Government.

Though still reaching your Excellency at a later date than is desirable, it is satisfactory to note, that having overcome some of the difficulties which lay in the way of an earlier issue, I am enabled to place it in your Excellency's hands two months earlier than last year.

General Condition of the Colony.

I am unable to announce any very marked improvement in the condition of our people as compared with 1889. A considerable falling off in the value of our exports will be observed, and these may fairly be taken to represent the earning power of the people. The following figures will show that the production of our fisheries, mines, &c., for 1890 was \$617,533 less in value than that of the previous year. Including Labrador returns in both instances, the exports for 1889 amounted to \$6,643,666, and in 1890 to \$6,026,133. It will be noticed that this shortage is due not so much to decreased production as to a decline in value. Our staple industry, the cod fishery, produced 32,080 quintals less in 1889, while there was a diminution in value of three quarters of a million of dollars. Codfish in 1889 realised \$4.30 per quintal, and in 1890 \$3.72.

The take of lobsters for preserving purposes, though less in 1890 than in 1889 (69,334 cases to 76,216 cases), yielded a larger profit, the price per case having increased from \$6.20 in 1889 to \$7.50 in 1890.

It will also be noticed that there was a decline in the export of copper ore during the year. This decline may be attributed to the fact that the company working these mines was involved in litigation, and also to the reduced output from Little Bay, hitherto the most productive of our mines, consequent upon the large expense necessary in raising ore to the surface, a distance of over 1,500 feet.

There has been an increase of 285 in the number of depositors in the Savings Bank, and the gross amount of deposits shows an increase over last year of \$107,353.38.

In concluding my observations upon the general condition of the Colony I take pleasure in noting the total absence of expenditure on account of able-bodied pauper relief. From the 1st of January to the end of March the Government continued work upon the Hall's Bay Railway, and those who suffered from a short fishery found employment in connexion with this work. In entering into a contract for the building of the Hall's Bay line provision has been made for the taking over, at a fair valuation, the work thus performed.

*Finance.*NEWFOUND-
LAND.
—

The revenue of the Colony for 1890 amounted to \$1,454,536.38, exclusive of loans, an increase over 1889 of \$91,643. The receipts on account of Customs being \$1,342,099.78 as compared with \$1,243,031.44 in 1889.

The sum of \$376,800 was received on account of loans, \$136,000 of which was spent in railway construction prior to the arrangement under which the building of the Hall's Bay line was placed in the hands of contractors; \$40,000 was expended in payment of bonuses for land cleared under the Crown Lands Act; \$69,000 was appropriated to pay debentures falling due under the Sewerage Act; \$24,000 was placed to the credit of public works, and the balance was taken up in reimbursing the Treasury for payments made on account of unforeseen contingencies. This sum of \$376,800, to which must be added a further amount of \$288,000 borrowed in 1889 on account of railway construction, making in all \$664,800, is a temporary loan from the London and Westminster Bank, and does not form part of the funded debt of the Colony.

The expenditure for 1890 was \$215,447.53 less than in 1889.

With regard to extraordinary expenditures it will be necessary to advert to the following:—

Of the sum of \$73,804 expended under the several Acts relating to agriculture, \$65,800 was used for the purpose of paying bonuses for land clearing as referred to under the head of Agriculture. Executive responsibility is debited with the sum of \$11,335.59, of which \$8,320 is on account of French Shore and United States Delegations. Hall's Bay railway construction, conducted during the winter of 1889-1890, cost the Colony \$238,000, part of which was covered by the loan as mentioned above. The sum of \$10,525 was expended in connexion with the construction of a lighthouse on the Penguin Islands. \$50,000 from the Loan Account was placed to the credit of the Board of Works to meet overdrafts in that Department on account of Public Services in 1889, \$51,158 was expended on account of Public Works, \$36,000 of which was the regular allowance of \$2,000 per district to the 18 Electoral Districts into which the Colony is divided, the balance being covered by loan.

Public Debt.

On December 31st, 1890, the Funded Public Debt of the Colony amounted to \$4,138,627.49, having been increased by \$5,425.06 during the year. This includes the debt (\$607,000) due by the St. John's Municipal Council, but raised by the Colony, interest thereon being repaid to the Government by the said Council.

In addition to the above the Colony has a floating debt of \$418,386.59; this, together with the temporary loan mentioned

NEWFOUND-
LAND.
— above, as being due to the London and Westminster Bank, will give the total indebtedness of the Colony at the end of 1890, *i.e.*, \$5,221,814.08.

Trade.

The value of our imports for 1890 was \$6,368,855, a decrease of \$238,100 as compared with 1889. From Great Britain we imported \$2,174,524 worth of goods; British Colonies, \$2,168,763; foreign countries, \$1,785,150. The principal articles under which an increased importation will be noted are as follows:—

Molasses (215,114 gals.), kerosene oil (24,491 gals.), refined sugar (1,012 cwts.), tea (54,541 lbs.), manufactured tobacco (13,283 lbs.).

A decreased importation will be observed under the following heads:—Ale and porter (6,780 gals.), apples (3,084 brls.), beef (4,559 brls.), butter (889 cwts.), flour (11,739 brls.), dried fruits (47,213 lbs.), lumber (566 M.), salt (4,511 tons), leaf tobacco (51,932 lbs.), wines (1,200 gals.), dry goods (\$300,000). It will be interesting to note in connexion with the above, that while the imports from Great Britain and foreign countries decreased by \$478,628 and \$376,356 respectively, those from British Colonies increased by \$616,774; *i.e.*, Canada \$347,061, British West Indies 277,514.

Shipping.

In 1890, 2,764 vessels, aggregating a tonnage of 634,147 tons, were entered and cleared, which was a slight falling off from 1889. Of the above, 2,562 vessels, representing a tonnage of 590,006 tons, were British.

In 1889, the total number of vessels registered in the Colony was 2,208, measuring 99,812 tons, as against 2,207, measuring 98,619 tons in 1890.

Legislation.

A few of the more important Acts placed upon our statute books during the legislative session of 1890 may be noticed.

The Crown Lands Amendment Act has reference to the establishment of paper pulp factories; it grants licenses of not less than 5 square miles or more than 150; it subjects to certain conditions of working, &c. It also provides the means whereby the Crown may re-enter upon forfeited lands.

The Railway Act (amending 52 Vict. cap. 4.) provides for the acceptance of a loan for the construction of the Hall's Bay Line, at the rate of \$15,600 per mile, payment to be in bonds bearing $3\frac{1}{2}$ per cent. interest.

N.B. This line is a narrow gauge, *i.e.*, 3ft. 6in.

The Election Act (Amendment of Act of 1889) confers the franchise upon every male British subject of the full age of 21 years who has lived in the Colony two years and in the district one year prior to the election.

The Act for the encouragement of shipbuilding provides, among other things, for the employment of a Lloyd's surveyor, an official whose services have long been required in a Colony the bulk of whose inhabitants spend more than half their lives on ship-board.

Acts were also passed having reference to local government, municipal affairs (St. John's), game, representation, House of Assembly, commutation of prisoners' sentences, public health, registration of births, marriages, and deaths, and for the encouragement of the cultivation and manufacture of flax and hemp. Other Acts of minor importance were passed which do not call for any special mention.

Educational.

Under this head I have to report an increase in the legislative grant of \$5,000, to be devoted to the purpose of securing to certain schools the benefits of a more advanced system of education. The returns show a slight falling off in the matter of attendance as compared with 1889. In that year the number of schools open was 549, with an attendance of 32,314. In 1890 these figures were 545 and 31,822 respectively. In 1890 the legislative grant was as follows :—

				\$
Church of England Board Schools -	-	-	-	40,274
Church of Rome do.	-	-	-	40,307
Methodist do.	-	-	-	25,370
Other do.	-	-	-	2,488
A total of - - -				108,439

The amount actually expended on our schools, including Government and voluntary contributions and fees, was \$127,360.

INDUSTRIES.

Fisheries.

The shore and bank cod fishery was not as productive as that of 1889. On the other hand, a measure of success such as has been unknown for the past 10 years has crowned the labours of our fishermen on the Labrador coast. In 1889, 186,933 quintals, valued at \$635,572, was the result of the voyage; in 1890 the total catch was 266,622 quintals, valued at \$693,217.

The following comparative statement in reference to the bank fishery may be of interest :—

					1889.	1890.
Vessels - - - - -	-	-	-	-	330	279
Tonnage - - - - -	-	-	-	-	18,890	15,212
Crews - - - - -	-	-	-	-	4,401	3,719
Fish caught, quintals	-	-	-	-	236,821	147,948
Average per vessel -	-	-	-	-	718	530
Average per man -	-	-	-	-	52	40

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The result of the herring fishery was on the whole satisfactory. The small catch on the Labrador was partly counterbalanced by a fairly successful shore fishery. Prices ruled higher than in 1889, and consequently the receipts from this industry were fully equal to those of last year. It is gratifying to note that the trade in frozen herrings with the United States is rapidly assuming such importance as to warrant the hope that at no distant date and under improved trade relations with the United States the people living on the western and southern shores of Newfoundland may find in this industry a valuable source of employment. Owing to the high rate of duty imposed upon herrings entering American ports in British bottoms, the people of this Colony have been unable to profitably engage in the shipment of frozen herrings to the United States and have been restricted to the selling of herring to those American vessels that may visit the coast during the winter. If the negotiations now proceeding for a convention of reciprocal trade between this Colony and the United States are brought to a successful issue, this trade in herrings will be conducted by local shipping, and will become a valuable auxiliary to the commerce of the Colony.

The result of the seal fishery, though well up to the average, presents a decline as compared with 1889 of \$120,350 in value.

The lobster fishery has been already referred to. 3,508 tierces of salmon, valued at \$70,166, were exported in 1890 as against 4,639, valued at \$93,084 in 1889.

A short export of oils (seal, cod, &c.) was very nearly met by an enhanced value, so that it may be said that this particular product of our fisheries presents no serious falling off as compared with 1889. Prices still rule very low, cod oil realising but \$76 in the local market, and seal oil, \$90. In 1870, 1878, 1881, cod oil commanded the following prices:—\$144, \$108, \$116 per ton respectively, and seal oil, \$170, \$120, \$120 per ton.

Shipbuilding.

Shipbuilding was not prosecuted with as much vigour as during the year 1889. The cause for this is not far to seek. In Newfoundland this industry is carried on, for the most part in winter when the fisherman, no longer occupied in the pursuit of his regular avocation, and, finding on the slippery surface of the frozen snow an easy means of communication between the forest and the sea-coast, devotes his time to this industry. A successful fishery gives him the means of procuring nails, cordage, canvass and the various accessories required for the building and fitting out of his vessel. The result of fishing operations in 1889 was not of such a nature as to place the means of building at the disposal of the fisherman. Moreover, the winter of 1889-90 was an exceptionally mild one, and material for shipbuilding could not be easily obtained.

*Manufactures.*NEWFOUND-
LAND.
—

The manufacture of boneless codfish referred to last year has already developed into an industry of considerable importance, 142,000 lbs., packed in small cases, was exported in 1890, chiefly to Canada.

An attempt to preserve our native berries has proved fairly successful, and a ready market for some 5,000 cases of these preserves was found in the United States at \$5 per case. As our berries, practically inexhaustible in quantity and of excellent quality, meet with a ready sale in both local and foreign markets, it is quite reasonable to anticipate that this industry will assume considerable importance.

Lumbering.

I am pleased to be able to state that the rapid development of this industry foreshadowed in last year's report has been realised. In addition to supplying the local markets to within some 2,000 M. feet of its requirements, 1,300 M. feet of a superior quality was exported to Great Britain. The following figures will show the development of this industry. In 1885 we imported 4,771 M. feet and exported 284 M., in 1889, imports 3,481 $\frac{3}{4}$ M. and exports 5 $\frac{1}{2}$ M., and in 1890 the imports were 3,119 M. and exports 1,329 M. The lumber shipped in 1890 was valued at \$15 per Mil. The exports of lumber have been from one locality, namely, Exploits.

It is computed that there are more than 2,000 square miles of valuable timber lands, principally pine, within the Colony. Mr. Howley, F.G.S., of the Geological Department, reports that there are 850 square miles of pine timber land in the Gander and Gambo River country, and 700 square miles on the borders of Exploits River and Red Indian Lake. To this must be added the but partially-surveyed timber limits of Deer Lake, Grand Pond, and Humber River country. It is safe to assume, therefore, that this industry will in the near future show considerable expansion. The timber supply of Canada, which, but a few years ago, was considered as almost inexhaustible, has, by reason of forest fires and indiscriminate cutting, begun to show signs of depletion, and Canadian lumber firms have already turned their attention to this Colony.

Mining.

Owing to the absence of roads through the interior, mining is still confined to within a mile or two of the sea-coast.

The mines worked during the year were Tilt Cove and Little Bay for copper ores, Moreton's Harbour for antimony, Pilley's Island for iron pyrites, and La Manche for galena.

This industry may be said to be yet in its infancy. The country gives promise of immense scope in this direction. Ores of anti-

NEWFOUND-
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mony, zinc, molybdenite, manganese, chromite, nickel, hematite, rutile, gold, silver, &c. are all known to exist; while of the earthy minerals and non-metallic substances there are a great variety and in many cases an abundance of material. Marbles, granites, slates, serpentines, ornamental stones, sandstones, grindstones, limestones, soapstones, and gypsum abound, and asbestos, fluor-spar, graphite, mica, &c. are all found here. Clays suitable for the manufacture of brick and coarse pottery are abundant. During the past year valuable seams of coal have been discovered in the vicinity of St. George's Bay. Previous to this the St. George's Bay carboniferous area was generally thought to be destitute of workable coal seams, and as being occupied almost entirely by the lower measures, namely, the carboniferous limestone and millstone grit series. It is gratifying to be able to state that upon reference of the fossil plants and samples obtained during the year to Sir William Dawson, Principal of McGill University in Montreal, one of the most eminent authorities upon fossil botany in North America, he has given it as his opinion that "the specimens sent indicate a development of the coal measures not unlike that of Eastern Cape Breton with which the beds may be connected under the gulf;" and he adds that the Government of this Colony would do well "to inform the English Government of the value of the coals on the west coast and their prospective importance to Britain and Newfoundland as well as to the other colonies. You have the nearest coal to England on this side the Atlantic."

The investigation in the section of country referred to has brought to light 27 feet of coal, which is but 10 feet less than that of the North Sydney section. The analysis of this coal gives a per-centage of carbon not inferior to that of Cape Breton coal. This, together with the large deposits of magnetite existing in the same locality, cannot fail, ere long, when capital and skilled labour are brought to bear on them, to add greatly to the prosperity of the Colony.

Agriculture.

Although the Colony possesses vast stretches of excellent agricultural land, and a climate in no way inferior to that of the Dominion of Canada, this industry is seriously neglected. At the present time all the land cultivated is scattered along the sea board, where the soil is the thinnest and poorest, and where the cold, cutting sea winds tend to retard and stultify vegetation. This is owing, in the first place, to the fact that the population of the island, for the most part, is a fishing population; their avocation necessitates their residence along the seaboard, and precludes that attention to agriculture which is essential to success. In the second place, the lack of roads from the coast into the interior, where the best soil and most temperate climate is to be found, places it beyond the reach of those who may be disposed to turn from the fishery to farming. Although conducted under the unfavourable circumstances alluded to, this industry yields a return of about \$950,000 per annum. There are about 58,000

acres of land under cultivation. There are about 28,500 tons of hay raised, 460 bushels of wheat and barley, 5,400 bushels of oats, 320,000 barrels of potatoes, 25,000 barrels of turnips, and 21,000 barrels of other root crops. The Act passed by the Legislature in 1888 for the promotion of agriculture under which a bounty of \$12.00 per acre was offered for land cleared and made ready for crop, greatly stimulated this industry. Until the publication of the census of 1891 it is impossible to state definitely how much the Colony has progressed as regards increased production of crops, but in 1888, 1,794 acres of land were cleared; in 1889 2,679 acres, and during the past year 5,375, making a total during the three years that the Act has been in force (it ceases this year) of 9,848 acres, or about one-sixth of the total cleared land of the Colony. We now pay to Canada more than half a million of dollars per annum for agricultural produce, all of which might be raised within the Colony after a few years' attention to the soil.

The policy of the present Government has been, and still is, to open up the best lands of the interior to settlement by running a railway to the north and west and by carrying out a settlement scheme in conjunction therewith. It was to this end that the Government of this Colony approached Her Majesty's Government this year for an Imperial guarantee of a loan of \$8,000,000. Should this be forthcoming, it is not difficult to foresee that in a very few years, able-bodied pauper relief, which is a certain corollary of a failure in the fisheries, and which is demoralising the people and bringing this Colony into financial embarrassment, will give place to a healthier and more prosperous condition of affairs.

I have, &c.

(Signed) R. BOND,
Colonial Secretary.

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For Her Majesty's Stationery Office.

FRANCE. No. 1 (1892).

NOTES EXCHANGED

BETWEEN

GREAT BRITAIN AND FRANCE

FOR THE

RENEWAL OF THE "MODUS VIVENDI" IN NEWFOUND-
LAND DURING THE PRESENT FISHERY SEASON.

*Presented to both Houses of Parliament by Command of Her Majesty.
April 1892.*

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Notes exchanged between Great Britain and France for
the renewal of the *Modus Vivendi* in Newfoundland
during the present Fishery Season.

No. 1.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur,

Foreign Office, April 4, 1892.

IN pursuance of verbal communications which have passed between your Excellency and me, I have the honour to propose that the *modus vivendi* of 1890, relative to the catching and preparation of lobsters, which was renewed purely and simply for the fishing season of last year, should again be renewed in the same manner for the fishery season of the present year.

I should esteem it a favour if your Excellency would notify to me the consent of your Government to this arrangement, if accepted by them, in which case Her Majesty's Government will consider the exchange of notes as an Agreement between the two Governments, and will give the necessary directions to carry it into execution on behalf of Great Britain.

I have, &c.

(Signed) SALISBURY.

No. 2.

M. Waddington to the Marquis of Salisbury.—(Received April 5.)

M. le Marquis,

Londres, le 4 Avril, 1892.

J'AI reçu la lettre en date de ce jour par laquelle votre Seigneurie veut bien me proposer de renouveler purement et simplement pour l'année 1892, ainsi que cela a été fait l'année dernière, le *modus vivendi* de 1890 relatif à la pêche et à la préparation du homard à Terre-Neuve.

Je m'empresse de faire savoir à votre Seigneurie que mon Gouvernement consent au renouvellement de cette convention, et j'accepte en son nom de considérer le présent échange de notes comme une constatation officielle de l'accord des deux Gouvernements à ce sujet.

Veillez, &c.

(Signed) WADDINGTON.

(Translation.)

M. le Marquis,

London, April 4, 1892.

I HAVE received the note of to-day's date by which your Lordship proposes to renew purely and simply, for the year 1892, in the same way as was done last year, the *modus vivendi* of 1890 relative to the catching and preparation of lobsters in Newfoundland.

I hasten to acquaint your Lordship that my Government agrees to the renewal of this convention, and I undertake, in its name, to consider the present exchange of notes as an official record of the understanding arrived at by the two Governments on this subject.

I have, &c.

(Signed) WADDINGTON.

FRANCE. No. 1 (1892).

NOTES exchanged between Great Britain and
France for the Renewal of the *Modus Vivendi*
in Newfoundland during the present Fishery
Season.

*Presented to both Houses of Parliament by Command
of Her Majesty. April 1892.*

LONDON:

PRINTED BY HARRISON AND SONS,

FRANCE. No, 2 (1892).

FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES:

1891-92.

*Presented to both Houses of Parliament by Command of Her Majesty.
June 1892.*

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No. 1.

The Earl of Lytton to the Marquis of Salisbury.—(Received March 21.)

My Lord,

Paris, March 20, 1891.

I HAVE the honour to transmit herewith to your Lordship copies of the Bill approving the arrangement concerning the Newfoundland fisheries concluded on the 11th March, 1891, between France and England.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 1.

No. 45.—SÉNAT.—Session 1891.

Annexe au Procès-verbal de la Séance du 16 Mars, 1891.

Projet de Loi portant approbation d'un Arrangement concernant les Pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et l'Angleterre; présenté, au nom de M. Carnot, Président de la République Française, par M. Ribot, Ministre des Affaires Étrangères, et par M. Barbey, Ministre de la Marine.

Exposé des Motifs.

Messieurs,

LES droits que possède la France à Terre-Neuve ont été définis par divers Traités et Arrangements Internationaux dont les principaux sont : le Traité d'Utrecht de 1713 et les Déclarations et Contre-Déclarations de Versailles de 1783.

Malgré les efforts de négociateurs pour qu'aucune obscurité ne subsistât quant à la nature et à l'étendue de ces droits et pour qu'aucun trouble ne pût survenir entre les pêcheurs des deux nations, des difficultés se sont produites d'année en année, et les risques de conflits plus sérieux sont devenus si grands à certaines périodes que des Conventions ont été négociées entre les Gouvernements Français et Anglais en vue de prévenir des éventualités que tous deux désiraient également éviter.

Des arrangements de cette nature ont été conclus en 1854, en 1884, et en 1885 dans lesquels les deux Gouvernements, en se faisant certaines concessions réciproques et en définissant leurs droits respectifs d'une manière plus conforme aux circonstances de notre temps, se flattaient d'assurer, dans de meilleures conditions, le maintien du bon ordre et le développement naturel des pêcheries sur la côte de Terre-Neuve.

Dans chaque occasion, les Conventions dont il s'agit n'ont pu sortir leur effet par

suite du refus de ratification opposé à la métropole par le Parlement Colonial de Terre-Neuve, dont l'assentiment avait été, au cours des négociations, formellement réservé.

Les difficultés antérieures se sont donc reproduites, et avec elles les mêmes dangers de conflits. Ces dangers se sont accrus, dans ces dernières années, par suite du développement qu'ont pris certaines pêcheries, en particulier les pêcheries de homard. Tandis que nous maintenons que nous avons seuls le droit de pêcher le homard sur la côte qui nous est réservée et d'être en possession, à ce point de vue, des mêmes privilèges que s'il s'agissait de la morue ou de tout autre espèce marine, le Gouvernement Britannique émet la prétention de nous interdire cette pêche et de la réserver à ses nationaux. En fait, des homarderies Françaises et des homarderies Anglaises, ces dernières de beaucoup les plus nombreuses, comme en témoignent les documents publiés au Livre Jaune, ont été établies sur la côte que les Traités nous assignent. Dans ces conditions, des difficultés ne pouvaient manquer de se produire, et elles se sont produites en effet. Chaque année a vu les occasions de conflits se multiplier à mesure que les opérations dont il s'agit prenaient de l'extension. Le Gouvernement de la République a fait connaître, à maintes reprises, les motifs qu'il avait de considérer que l'obstacle résultant, pour la pêche de ses nationaux, de l'existence des homarderies Anglaises était contraire aux Traités et que ces établissements devaient disparaître.

Aux représentations qu'il a formulées à ce sujet, le Gouvernement Britannique a répondu par l'expression de prétentions opposées, et par l'affirmation que les Traités réservaient au contraire aux sujets de la Reine la faculté de se livrer au genre de pêche qui nous occupe. Dans ces conditions, un nouvel examen des prétentions respectives s'imposait. La voie des arrangements directs n'avait pas conduit au résultat désiré ; une autre voie était ouverte, celle d'un recours à des tiers impartiaux, la voie de l'arbitrage.

Cette solution était tellement indiquée par les faits mêmes auxquels il s'agit de remédier que, comme en témoignent les pièces réunies dans le volume qui vous sera distribué en même temps que le présent projet, l'idée en est venue simultanément aux deux Gouvernements intéressés.

Des négociations délicates et pour partie officieuses ont précédé l'accord définitif. En attendant qu'il fût conclu, un *modus vivendi* a été établi, réglant à titre provisoire la principale des difficultés pendantes, savoir : la pêche du homard. Le *modus vivendi* a été appliqué l'année dernière et a donné, de l'avis des officiers commandant les deux stations navales, des résultats satisfaisants. Il sera renouvelé pendant la saison prochaine. Vous en trouverez le texte dans la série des documents précités.

Le Cabinet Britannique nous a, il est vrai, communiqué récemment des propositions de la Colonie de Terre-Neuve tendant au rachat de nos droits, moyennant certaines garanties pour le libre commerce de la boëtte et en échange d'une somme correspondant à l'importance de nos intérêts actuels sur la côte réservée. Il ne nous a pas paru possible d'accueillir ces propositions, et la négociation, en vue d'un arbitrage qui ne met pas en cause le principe même de nos droits, a été continuée.

Il y a tout lieu d'espérer que, grâce à l'Arrangement présenté aujourd'hui à votre approbation, des conditions durables de bonne entente seront établies à Terre-Neuve. La haute autorité des personnages à qui le différend sera soumis, ainsi que l'esprit de modération apporté par les deux Gouvernements dans l'étude de ces délicats problèmes, en sont une double garantie. La Convention qui vous est soumise détermine en premier lieu le genre de questions que les Arbitres auront à trancher. C'est d'abord la question des homarderies ; on pourra ensuite examiner, dans les mêmes conditions, des questions subsidiaires sur le texte desquelles les deux Gouvernements se seraient préalablement mis d'accord. Il va sans dire que nous refuserions notre assentiment, et le Gouvernement Britannique en est instruit, au renvoi devant les Arbitres de toute question qui toucherait au principe même de nos droits tel que les Traités l'ont établi.

En second lieu, l'Arrangement du 11 Mars détermine la composition de la Commission qui comprendra trois spécialistes ou juriconsultes désignés d'un commun accord par les deux Gouvernements et deux Délégués de chaque pays qui seront les intermédiaires autorisés entre les deux Gouvernements et les autres Arbitres. Les pièces contenues dans le recueil mis aujourd'hui en distribution vous montreront que l'accord est fait en principe pour la désignation des trois Arbitres, et la notoriété et la compétence de ces trois personnes sont telles que l'entente a pu s'établir sans difficulté.

Par les motifs que nous venons d'indiquer, nous croyons devoir soumettre à votre

assentiment l'arrangement dont le texte est ci-joint, et nous vous prions de vouloir bien y donner votre approbation en acceptant le Projet de Loi suivant :—

Le Président de la République Française,

Décète :

Le Projet de Loi dont la teneur suit, sera présenté au Sénat par le Ministre des Affaires Étrangères et le Ministre de la Marine, qui sont chargés d'en exposer les motifs et d'en soutenir la discussion.

Projet de Loi.

Article Unique.—Le Président de la République Française est autorisé à ratifier et, s'il y a lieu, à faire exécuter l'Arrangement concernant les pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et la Grande-Bretagne, et dont une copie demeurera annexée à la présente Loi.

Fait à Paris, le 15 Mars, 1891.

Le Président de la République Française,
(Signé) CARNOT.

Par le Président de la République :
Le Ministre des Affaires Étrangères,
(Signé) A. RIBOT.
Le Ministre de la Marine,
(Signé) E. BARBEY.

Arrangement concernant les Pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et l'Angleterre.

LE Gouvernement de la République Française et le Gouvernement de Sa Majesté Britannique ayant résolu de soumettre à une Commission Arbitrale la solution de certaines difficultés survenues sur la partie des côtes de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, en passant par le nord, sont tombés d'accord sur les dispositions suivantes :—

1. La Commission Arbitrale jugera et tranchera toutes les questions de principe qui lui seront soumises par l'un ou l'autre Gouvernement ou par leurs Délégués, concernant la pêche du homard et sa préparation sur la partie susdite des côtes de Terre-Neuve.

2. Les deux Gouvernements s'engagent, chacun en ce qui le concerne, à exécuter les décisions de la Commission Arbitrale.

3. Le *modus vivendi* de 1890, relatif à la pêche du homard et à sa préparation, est renouvelé purement et simplement pour la saison de pêche de 1891.

4. Une fois que les questions relatives à la pêche du homard et à sa préparation auront été tranchées par la Commission, elle pourra être saisie d'autres questions subsidiaires, relatives aux pêcheries de la partie susdite des côtes de Terre-Neuve et sur le texte desquelles les deux Gouvernements seront préalablement tombés d'accord.

THE Government of the French Republic and the Government of Her Britannic Majesty, having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coast of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions :—

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government or by their Delegates concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

3. The *modus vivendi* of 1890, relative to the catching and preparation of lobsters, is renewed purely and simply for the fishery season of 1891.

4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission, it may take cognizance of other subsidiary questions relative to the fisheries, on the above-mentioned portion of the coast of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

5. La Commission Arbitrale sera composée—

(1.) De trois spécialistes ou juriscultes désignés d'un commun accord par les deux Gouvernements ;

(2.) De deux Délégués de chaque pays qui seront les intermédiaires autorisés entre leurs Gouvernements et les autres Arbitres.

6. La Commission Arbitrale ainsi formée de sept membres statuera à la majorité des voix et sans appel.

7. Elle se réunira aussitôt que faire se pourra.

Fait à Londres, le 11 Mars, 1891.

(Signé) WADDINGTON.
SALISBURY.

5. The Commission of Arbitration shall be composed—

(1.) Of three specialists or juriscults designated by common consent by the two Governments ;

(2.) Of two Delegates of each country, who shall be authorized channels of communication between the two Governments and the other Arbitrators.

6. The Commission of Arbitration, thus formed of seven members, shall decide by majority of votes and without appeal.

7. It shall meet as soon as possible.

Done at London, the 11th day of March, 1891.

(Signed) SALISBURY.
WADDINGTON.

(Translation.)

Annex to the Minutes of the Sitting of March 16, 1891.

Bill to approve an Arrangement respecting the Newfoundland Fisheries, concluded between France and England on March 11, 1891 ; presented in the name of M. Carnot, President of the French Republic, by M. Ribot, Minister for Foreign Affairs, and M. Barbey, Minister of Marine.

Explanatory Statement.

Gentlemen,

THE rights possessed by France in Newfoundland have been defined by various Treaties and international arrangements, of which the principal are the Treaty of Utrecht of 1713, and the Declarations and Counter-Declarations of Versailles of 1783.

In spite of the efforts of the negotiators to make the nature and extent of these rights as clear as possible, and to prevent any trouble arising between the fishermen of the two nations, difficulties have occurred year by year, and the dangers of more serious disputes have at times become so great that Conventions have been negotiated between the French and English Governments with a view of preventing occurrences which both were equally desirous to avoid.

Arrangements of this kind were concluded in 1854, in 1884, and in 1885, by which the two Governments made certain mutual concessions, and defined their respective rights in a manner more in accordance with the circumstances of our days ; and they hoped by thus improving the state of affairs to insure the maintenance of good order, and the natural development of the fisheries on the Newfoundland coast.

Upon each occasion the Conventions in question failed to take effect, as the mother country was met by the refusal of the Colonial Parliament of Newfoundland to ratify them, the latter's assent having been formally reserved in the course of the negotiations.

The previous difficulties therefore reappeared, and with them the same dangers of collision. These dangers have of late years increased, in consequence of the development of certain fisheries, especially the lobster fishery. Whilst we maintain that we alone have the right to catch lobsters on the coast which is reserved for our use, and that we possess in this respect the same privileges as if it were a question of fishery for cod or any other marine species, the British Government claims to exclude us from this fishery, and to reserve it for their countrymen. As a matter of fact, French lobster factories and English lobster factories, the latter being much the more numerous, as shown by the papers published in the Yellow Book, have been established on the coast assigned to us by the Treaties. Under these circumstances, difficulties could

not fail to arise, and have, in fact, arisen. Each year causes of dispute have increased in proportion as the operations in question have been extended. The Government of the Republic has repeatedly stated the reasons in virtue of which it considered that the obstruction to the French fisheries, caused by the existence of English lobster factories, was contrary to the Treaties, and that those establishments ought to disappear.

To the representations which it made on this point, the British Government have replied by advancing contrary claims, and by maintaining that the Treaties, on the contrary, reserved to the subjects of the Queen the liberty to carry on the kind of fishery in question. Under these circumstances, it became necessary to reconsider the respective claims. Recourse to direct arrangements had not led to the desired result, but another course was open, that of reference to an impartial third party, *i.e.*, arbitration.

The very facts for which a remedy is sought seemed to point so clearly to this solution that the idea of it occurred simultaneously to both the Governments concerned, as will be seen in the volume of correspondence which will be distributed to you at the same time as the present Bill.

Negotiations of a delicate and in part of a semi-official nature preceded the final agreement. Pending its conclusion a *modus vivendi* has been established, which provisionally regulates the chief difficulty, namely, the lobster fishery. The *modus vivendi* was carried out last year, and, in the opinion of the officers commanding the two naval stations, gave satisfactory results. It will be renewed during the coming season. You will find the text of it in the collection of papers already mentioned.

The British Cabinet has, it is true, recently communicated to us proposals from the Colony of Newfoundland with a view to the repurchase of our rights in consideration of certain guarantees for free traffic in bait, and in exchange for a sum representing the value of our present interests on the reserved shore. We found it impossible to entertain these proposals, and the negotiation for an arbitration, which does not call in question the actual principle of our rights, was continued.

There is every reason to hope that, by means of the Arrangement which is this day presented for your approval, permanent conditions will be established for a good understanding in Newfoundland. The high authority of the persons to whom the dispute will be submitted, and the spirit of moderation with which the two Governments approach the consideration of these delicate problems, are a double guarantee for this result. The Convention which is submitted to you determines, in the first instance, the nature of the questions which the Arbitrators will have to decide. There is, first of all, the question of the lobster factories; after that they will be able, under the same conditions, to examine any subsidiary questions the wording of which may have been agreed upon beforehand between the two Governments. It is obvious, and the British Government is aware, that we should refuse our consent to the reference of any question to the Arbitrators which would affect the actual principle of our rights as established by the Treaties.

Secondly, the Arrangement of the 11th March determines the composition of the Commission, which will comprise three specialists or jurists, jointly selected by the two Governments, and two Delegates from each country, who will be the authorized intermediaries between the two Governments and the other Arbitrators. The documents contained in the collection of papers distributed to-day will show you that the selection of the three Arbitrators is agreed upon in principle, and the reputation and capacity of these three persons are such that the understanding was arrived at without difficulty.

For the reasons above explained, we think it right to submit, for your assent, the Arrangement, of which the text is annexed, and we beg you to be good enough to give it your approval by passing the following Bill:—

The President of the French Republic,

Decrees:

The Bill which follows will be presented to the Senate by the Minister for Foreign Affairs and the Minister of Marine, who are authorized to introduce it, and to support it in debate.

Bill.

Sole Article.—The President of the French Republic is authorized to ratify, and, if need be, to carry out the Arrangement respecting the Newfoundland Fisheries

concluded on the 11th March, 1891, between France and Great Britain, of which a copy shall be annexed to the present Act.

Done at Paris the 15th March, 1891.

The President of the French Republic,
(Signed) CARNOT.

By the President of the Republic :
The Minister for Foreign Affairs,
(Signed) A. RIBOT.
The Minister of Marine,
(Signed) E. BARBEY.

No. 2.

The Earl of Lytton to the Marquis of Salisbury.—(Received May 14.)

My Lord,

Paris May 12, 1891.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the Report of yesterday's debate in the French Senate on the question of the Newfoundland fisheries. In the course of the debate M. Ribot rose and asked the Senate to approve the Arrangement of the 11th March between England and France. His Excellency stated that the French Government would not allow their fishery rights to be questioned, and explained that it was upon "subsidiary" points alone that France had agreed to arbitration.

The Government's proposal was then put to the vote, and accepted by the Senate.

I have also the honour to transmit to your Lordship herewith copies of the Report of the Commission, which had been appointed by the Senate to examine the Government measure in question approving the Arrangement of the 11th March.

I have, &c.
(Signed) LYTTON.

Inclosure 1 in No. 2.

Extract from the "Journal Officiel" of May 12, 1891.

Première Délibération sur un Projet de Loi concernant les Pêcheries de Terre-Neuve.

M. le Président.—L'ordre du jour appelle la première délibération sur le Projet de Loi portant approbation d'un Arrangement concernant les pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et l'Angleterre.

M. Ribot (Ministre des Affaires Étrangères).—J'ai l'honneur de demander au Sénat, d'accord avec la Commission, de vouloir bien déclarer l'urgence.

M. le Président.—Je consulte le Sénat sur l'urgence qui est demandée par le Gouvernement, d'accord avec la Commission.

Il n'y a pas d'opposition?

L'urgence est déclarée.

La parole est à M. de l'Angle-Beumanoir.

M. le Marquis de l'Angle-Beumanoir.—M. l'Amiral Veron désirant prendre la parole, je suis tout disposé à lui témoigner ma déférence en la lui cédant, tout en exprimant l'espoir que le Sénat voudra bien me permettre de lui présenter quelques observations, dans le cas où M. l'Amiral Veron ne se placerait pas au même point de vue que moi.

M. le Président.—La parole est à M. l'Amiral Veron.

M. l'Amiral Veron.—Messieurs, après avoir lu et entendu le Rapport si clair, si modéré de notre honorable collègue M. Lenoël, je suis convaincu que le Sénat adoptera le Projet de Loi tel qu'il vous a été présenté par le Gouvernement.

Je le voterai sans grande satisfaction, et je vous prie, Messieurs, de vouloir bien me permettre de vous en expliquer les motifs.

Le Rapporteur vient de nous rappeler, avec la plus scrupuleuse exactitude, l'origine de nos droits, leur reconnaissance à toutes les époques par le Gouvernement Anglais, notamment dans les Arrangements conclus entre les deux nations en 1857, 1884, et 1885, et les dispositions toujours conciliantes de notre Gouvernement.

Comment est-il arrivé que ces Conventions signées par les Délégués Anglais et Français et acceptées par les deux Gouvernements aient été mises à néant par le refus de ratification exercé par le Gouvernement de la Colonie de Terre-Neuve ?

On serait tenté de croire que le Gouvernement de la Métropole n'a pas insisté sérieusement pour faire prédominer ses appréciations auprès du Parlement Colonial, si on en juge par les déclarations récentes du Chef du Foreign Office qui, dans sa note du 24 Septembre, 1890, après avoir conféré avec les Délégués de la Colonie, nous propose de discuter plusieurs points principaux des Traités qui semblent assurer à la France des droits de pêche sur la côte de Terre-Neuve.

Dans cette même note, Lord Salisbury va jusqu'à avouer, sans protester, que ce que veulent les colons de Terre-Neuve c'est l'expulsion complète de nos nationaux et aussi qu'ils ne considèrent l'intervention des Arbitres comme utile que s'ils sont réunis pour préparer une semblable solution.

En outre, sa Seigneurie parle de périlleuses contestations que le maintien du régime actuel risquerait de faire naître entre les deux nations. Il y a loin de ce langage à celui tenu jusqu'ici par les prédécesseurs de Lord Salisbury.

Notre Ministre des Affaires Étrangères a répondu courtoisement et énergiquement à cette note en refusant d'adhérer aux propositions faites de la part des Délégués Coloniaux.

C'est à la suite de ces dernières notes qu'a été signé par les Représentants de la France et de l'Angleterre le projet d'Arrangement soumis à votre approbation.

Eh bien, j'avoue que je suis très perplexe en méditant l'Article 4, car, malgré les précautions dont on veut l'entourer, le texte même donnera lieu à des tentatives pour élargir le pouvoir des Arbitres et leur faire trancher en faveur des colons les questions dont parle Lord Salisbury.

Notre Ministre actuel refusera de laisser discuter ces prétentions ; mais celui qui le remplacera aura-t-il la même énergie, la même décision ?

M. Testelin.—Eh bien ! nous le changerons pas ! (Rires.)

M. l'Amiral Veron.—N'avons-nous pas vu ses prédécesseurs affirmer des droits qu'ils ont laissé contester ensuite ?

Et puis, cet arrangement concernant nos pêcheries de Terre-Neuve a l'air d'un manque de confiance de notre part dans les droits qui nous ont été reconnus si solennellement par nos voisins en tant de circonstances.

Il a fallu l'interview du premier Ministre avec les Délégués de Terre-Neuve pour lui suggérer l'idée de faire discuter les cinq points controversés en ce qui regarde les engagements internationaux, et, s'abritant aujourd'hui derrière les prétentions des colons, il ne paraît nullement surpris de les voir nous demander d'abandonner nos droits entiers sur le "French Shore !" et il parle alors de périlleuses contestations.

Ce mot est bien gros, quand il s'agit de relations entre deux pays amis, dont les armées et les flottes combattaient côte à côte, il n'y a pas si longtemps, dans les quatre parties du monde, pour le triomphe du droit et de la civilisation.

Aujourd'hui cette question de Terre-Neuve tient une grande place par le bruit que font quelques-uns de ses habitants, au nom de leurs compatriotes, soi-disant ; mais les Bills décrétés par la Législature Coloniale sont loin de satisfaire les habitants des côtes dont on semblerait vouloir protéger les intérêts. Je prendrai à témoin toutes les populations de la Baie de Faisance, et alentours que l'on a privés d'une exportation de boëtte s'élevant à 1,500,000 et à 2,000,000 de francs.

Et quand on vient parler du besoin qu'a la population de la partie sud, de se répandre dans le nord pour y vivre et prospérer, je répondrai que, sur tout le "French Shore" il n'y a qu'un point réellement peuplé, c'est la Baie Saint-Georges. Sur les autres points, il y a deux ou trois agglomérations de 200 ou 300 habitants qui passent l'hiver sous la neige et bloqués chez eux par les glaces ; que la végétation ne permet à aucune céréale, à aucun légume, de venir à maturité pendant les quatre mois d'été, et certes l'Angleterre à bien d'autres Colonies à peupler dans de meilleures conditions, et, abandonnerions-nous les droits qui nous sont conférés par les Traités, que la population de Terre-Neuve ne se répandrait pas davantage sur ces côtes déshéritées.

Aux arguments que présente le Premier Ministre pour prouver que nos intérêts sur la côte de Terre-Neuve ne sont rien à côté de ceux des Terre-Neuviens, M. le Ministre des Affaires Étrangères répond par un argument capital : c'est que, privés de boëtte par les Anglais, nous avons essentiellement besoin de nos havres pour nous en procurer et ensuite que la morue peut diminuer au Grand-Banc et reparaître sur notre côte. Alors, notre ancienne prospérité renaîtra et nos intérêts seront autrement considérable que ceux que pourraient y avoir quelques Terre-Neuviens épars sur le "French Shore."

J'ai déjà trop prolongé cette discussion et je termine en conjurant M. le Ministre de

ne pas se départir de la déclaration qu'il a faite devant votre Commission. "Il est peut-être dans les intentions de l'Angleterre d'élargir l'arbitrage et de lui soumettre des points qui impliqueraient la discussion de nos droits ; mais, les deux Gouvernements devant se mettre d'accord sur les questions à poser aux Arbitres, je veillerai avec le plus grand soin à ce que la question des homarderies, seule, leur soit soumise."

Sous réserve de cette observation, je voterai le Projet de Loi.

M. Émile Lenoël (Rapporteur).—Je demande la parole.

M. le Président.—La parole est à M. le Rapporteur.

M. le Marquis d'Angle-Beaumanoir.—Je dois parler contre le projet, M. le Président.

M. le Rapporteur.—M. l'Amiral Veron n'a parlé, en réalité, ni pour ni contre.

M. Demôle.—Si M. de l'Angle-Beaumanoir doit parler contre, il vaut mieux le laisser parler immédiatement. (Assentiment.)

M. le Président.—La parole est à M. de l'Angle-Beaumanoir.

M. le Marquis de l'Angle-Beaumanoir.—Messieurs, j'ai tout à l'heure offert d'abandonner mon tour de parole à M. l'Amiral Veron, parce que je supposais qu'il parlerait contre le Projet de Loi. (Sourires à Gauche.)

J'en attache, cela va sans dire, à cette déclaration, aucune idée de critique et je pense que mon cher et respecté collègue ne s'y méprend pas. Seulement, comme ordinairement on donne d'abord la parole à un orateur parlant contre le projet, et que j'en attribuais, à tort, le dessein à M. l'Amiral Veron, je lui avais cédé mon tour de parole que je demande au Sénat l'autorisation de reprendre maintenant pour me conformer à l'ordre habituel de nos discussions. (Parlez ! parlez !)

Messieurs, avant de communiquer au Sénat les réflexions qui m'ont été inspirées par l'examen attentif du Projet de Loi soumis à vos délibérations, il me paraît à propos de constater que cette question, comme toutes celles qui ont trait à la politique extérieure, ne met en jeu que les sentiments patriotiques dont nous sommes tous, à titre égal, animés. (Approbation sur divers bancs.)

Si j'avais besoin d'une preuve à l'appui de cette affirmation dont, je l'espère, Messieurs, vous ne contesterez pas l'exactitude, je la trouverais dans un article très remarquable publié par un journal Républicain placé sous l'inspiration d'un de nos collègues. Ce journal est "l'Événement," et l'article porte la date du 28 Avril dernier.

Pour point de départ de ma très rapide discussion, je prendrai Messieurs, si vous le voulez bien, la déclaration faite dans la séance du 16 Mai, 1890, par son Excellence M. le Ministre des Affaires Étrangères.

L'honorable M. Ribot s'exprimait ainsi : "Le Gouvernement Français, Messieurs, à toutes les époques, a considéré qu'il n'y avait dans le texte des Traités aucune ambiguïté, aucune incertitude (Marques d'approbation), que ces Traités nous assuraient non seulement le droit général de pêche qui, malgré toutes les subtilités de langage, s'applique, de l'aveu même des Terre-Neuviens, à toutes sortes de poissons puisqu'ils en sont réduits, soit à lire inexactement le Traité comme dans cet article de journal cité devant vous, soit à imaginer une distinction de pure fantaisie entre le poisson qu'on prend et le poisson qu'on pêche. Nous avons toujours considéré que le droit était général et qu'il était exclusif en ce sens que sur le "French Shore" il y avait pour les pêcheurs Français un droit qu'ils pouvaient faire valoir à l'encontre des pêcheurs de toute autre nationalité et particulièrement des Anglais, et qu'on ne pouvait troubler par aucune intervention ni par aucune concurrence."

Telle est la déclaration Ministérielle très catégorique portée à cette tribune.

Eh bien, Messieurs, je suis obligé de constater, en présence du Projet de Loi qui nous est soumis, que l'attitude de M. le Ministre des Affaires Étrangères s'est quelque peu modifiée.

Effectivement, quelle est l'origine du Traité actuel ?

L'origine est,—j'hésite un peu à me servir de cette expression,—une sorte de jeu de mots. On met en dehors des droits tout à fait indiscutables que nous avons, la question des homarderies, sous le prétexte que le homard n'est pas un poisson, qu'on ne le pêche pas, mais qu'on le capture !

Véritablement, Messieurs, il est puéril de la part de deux nations aussi puissantes de prendre pour bases de leurs négociations une semblable subtilité. Cette objection, tant il est vrai que la vérité reprend ses droits malgré tout effort tenté pour l'altérer, cette objection, toute de circonstance, n'est pas invoquée à tous moments par ceux qui l'ont imaginée : et, me reportant à l'argumentation si excellente, si complète de l'honorable M. Bozérian recherchant dans cette argumentation les points principaux qui peuvent servir à la thèse que je soutiens, j'y retrouve le passage suivant :

M. Bozérian citait un article du journal Anglais "The Harbour Grace Standard," article rédigé par un Terre-Neuvien, disant que la presse de Londres est unanime pour

refuser le droit aux Français—de quoi faire?—"to fish the lobster" de pêcher le homard!

C'est-à-dire que cè Terre-Neuvien qui nous refusait le droit de pêche du homard, ne trouvait pas d'autre terme, au moment où il voulait contester que cette capture fût bien une pêche, que d'employer précisément ce mot pour désigner l'acte dont la légitimité était niée par lui.

Par conséquent, de leur propre aveu, quand la présence d'esprit leur fait défaut, les Anglais reconnaissent que la capture du homard est une pêche comme les autres.

Maintenant, Messieurs, je vais, en prenant le rapport de notre honorable collègue M. Lencël, passer en revue les différents motifs qui me semblent de nature à faire écarter le Projet de Loi.

Je dois dire, d'abord, que notre honorable collègue M. Lenoël, avec une loyauté qui l'honore et qui ne me surprend pas de sa part, tout en nous proposant l'adoption du projet, a réuni avec une bonne foi complète tous les arguments qui peuvent servir à combattre ce même projet. Aussi vais-je puiser à pleines mains dans ce trésor de documents. L'honorable Rapporteur a énuméré successivement les différents Traités: d'abord celui qui forme la base de nos droits, le Traité d'Utrecht; puis tous les Traités confirmatifs. Je suppose naturellement que vous avez lu le Rapport, je ne vous en imposerai donc pas l'audition.

Je le résumerai très succinctement en rappelant que les droits de la France prennent leur origine dans le Traité d'Utrecht, conclu en 1713, que ce Traité est modifié, mais sans altération de nos droits, par la Convention du 3 Décembre, 1783, dans laquelle le Roi d'Angleterre déclare qu'il fera détruire les établissements sédentaires qui se seraient formés à Terre-Neuve; que ses sujets y seront contraints par la force s'ils n'obéissent pas aux réquisitions qui leur seront faites; que les sujets de Sa Majesté Très Chrétienne doivent avoir pleine et entière jouissance de la pêche, et enfin que les Français auront le droit exclusif du rivage pour les besoins de leur pêche.

En 1884 et en 1885, dates très récentes, de nouveaux arrangements, s'inspirant des mêmes principes, furent conclus, mais la Législature de Terre-Neuve refusa de les sanctionner. Ici, Messieurs, permettez-moi d'ouvrir une parenthèse. Je viens de vous citer très sommairement—vous me rendrez cette justice, je l'espère—le grand nombre de Traités et de Conventions définissant et assurant nos droits. Or, aujourd'hui, quelle est la situation? On nous dit: "Malgré ce grand nombre de Conventions qui définissent et qui assurent l'exercice de nos droits, nous ne pouvons pas arriver à les exercer." Et on nous propose, comme remède, de superposer un nouveau Traité à cette pyramide de Traités déjà existants! L'Angleterre se déclare impuissante à faire obéir sa Colonie; et, pour obtenir de nous une concession nouvelle, elle nous dit: "Voyons, si nous faisons une Convention de plus?" Mais elle ne nous offre pas l'ombre d'une garantie nouvelle.

Le Rapport nous rappelle que "des officiers Français ont procédé à la levée des casiers à homard qui gênaient la pêche de nos nationaux, et saisi différents engins qui, du reste, ont été bientôt et spontanément remis aux croiseurs Anglais.

"Mais le Cabinet de Londres a protesté contre ces actes, prétendant qu'à supposer que les Français soient gênés dans leur pêche, il n'appartient qu'à ses officiers de faire cesser le trouble; que les navires Français n'ont aucun droit, aucune autorité sur les pêcheurs Anglais, qu'ils ne peuvent que constater les délits, les dénoncer au Commandant de la station Anglaise et attendre de lui la répression des actes dont nos nationaux croient avoir à se plaindre."

Messieurs, il ne faut pas perdre de vue que sur le "French Shore" nous sommes chez nous, absolument chez nous; chez nous comme à Paris. Eh bien, si un Anglais se permettait sur la Place de la Concorde une frasque quelconque, est-ce qu'on irait chercher un constable à Londres pour le mettre à la raison? Les Anglais nous contestent le droit de pêcher le homard, mais ils n'ont pas même le droit de constater le genre de pêche auquel nous nous livrons sur le "French Shore." (Très bien! très bien! sur divers bancs.) L'exercice de ce droit échappe à leurs critiques, à leurs investigations. Nous pouvons leur interdire la vue même du "French Shore," et à plus forte raison pouvons-nous nous opposer au maintien de ces concessions qu'on a tolérées par un sentiment de courtoisie, dit l'honorable M. Lenoël; moi, je dis par un sentiment de faiblesse injustifiable.

M. Halgan.—Très bien!

M. le Marquis de l'Angle-Beaumanoir.—J'aperçois plus loin, en continuant la lecture du Rapport, qu'un membre de la Commission—nous sommes obligés de savoir ce qui se passe dans les Commissions par la lecture des Rapports, puisque nous en sommes presque toujours systématiquement exclus. . . . (Réclamations à Gauche.)

M. l'Amiral Peyron.—Ce n'est pas exact ; l'Amiral Veron fait partie de la Commission.

M. le Marquis de l'Angle-Beaumanoir.—Aussi, ai-je dit : presque toujours. L'éloquent discours prononcé par M. l'Amiral Veron ne me permet pas d'oublier que la Commission a fait un utile appel à sa haute compétence.

Le Rapport, dis-je, contient le passage suivant :—

“Un membre a appelé l'attention de M. le Ministre sur les termes de l'Article 4, qui permet de saisir la Commission Arbitrale d'autres questions subsidiaires relatives aux pêcheries des côtes de Terre-Neuve et sur le texte desquelles les deux Gouvernements seront tombés d'accord.

“Il se demande si cet Article ne permettrait pas de soumettre à la Commission des questions très graves concernant les pêcheries et pouvant compromettre les droits de la France.

“M. le Ministre a répondu qu'il est peut-être dans les intentions de l'Angleterre d'élargir l'arbitrage et de lui soumettre des points qui impliqueraient la discussion de nos droits.”

Il me semble, qu'étant donnés les nombreux échanges de vues qui ont eu lieu entre vous, M. le Ministre, et le Gouvernement Anglais, ce n'est pas par des “peut-être” que vous pouvez nous donner satisfaction. Vous devez savoir si l'Angleterre, oui ou non, a l'intention d'élargir le terrain de la discussion. Ce qui nous fait supposer, avec juste raison, que l'Angleterre a ce projet, c'est justement le texte de l'Article 4 où il est dit : “Une fois que les questions relatives à la pêche du homard et à sa préparation auront été tranchées par la Commission, elle pourra être saisie d'autres questions subsidiaires, relatives aux pêcheries de la partie susdite des côtes de Terre-Neuve et sur le texte desquelles les deux Gouvernements seront préalablement tombés d'accord.”

De deux choses l'une : ou vous croyez que l'Angleterre n'a pas l'intention d'introduire dans la discussion de nouveaux sujets de protestation, et alors supprimez l'Article 4 qui est une porte ouverte à l'introduction de difficultés nouvelles, ou bien lorsque vous serez débarrassés de la question des homarderies, que vous l'aurez abandonnée, l'Angleterre dira : “Mais cet Article 4, n'en faisons-nous rien ? Si nous en parlions un peu.” (Sourires.)

Des questions subsidiaires, naturellement il y en aura toujours ; par conséquent, les pourparlers s'éterniseront.

En supposant que l'on consente—et ce serait la concession extrême pour moi—à accepter la discussion sur la question unique des homarderies, je ne vois aucune espèce de justification possible pour le maintien de l'Article 4 qui, en somme, est un blanc-seing donné aux Plénipotentiaires et sans atténuation possible, attendu qu'il est dit à l'Article 6 que la Commission Arbitrale statuera à la majorité des voix et sans appel.

Remarquez, Messieurs, la situation.

On nous dit : Nous allons limiter à la seule question des homarderies la discussion et la sentence des Arbitres. Vous croyez que tout sera fini par là ? Pas du tout, l'appétit vient en mangeant et, en vertu de l'Article 4, tout autre problème pourra être posé, et les Plénipotentiaires seront libres de dire, après avoir réglé la question des homarderies : Nous avons pensé qu'il était bon d'examiner tel ou tel autre point.

Et quand cela sera fait, on viendra devant le Parlement expliquer qu'il a paru utile d'introduire ceci et cela. Et nous nous trouverons ainsi en présence d'un Traité que la majorité certainement n'aurait pas approuvé et qui cependant sera définitif. Je suis tout autant que qui que ce soit partisan de la conciliation et, pas plus qu'aucun des membres de cette assemblée, je ne veux avoir de difficultés sérieuses avec l'Angleterre. Mais cependant il ne faut pas que ce soit toujours à nous de céder. Or, je crains beaucoup—et je le dis à M. le Ministre avec toute la déférence que j'ai pour sa personne—je crains beaucoup que M. le Ministre des Affaires Étrangères ne confonde les bons procédés dont il est l'objet avec les satisfactions que la France a le droit d'exiger.

Il y a dans la situation d'un Ministre des Affaires Étrangères—et ici, M. le Ministre, je ne fais pas votre procès, je vous prie de le croire. . . .

M. Ribot (Ministre des Affaires Étrangères).—Dans tous les cas, vous le faites très aimablement.

M. le Marquis de l'Angle-Beaumanoir.— . . . Il y a, dis-je, pour le Ministre, une tentation fréquente, en raison des bons rapports qu'il entretient avec les membres du Corps Diplomatique, une tentation qu'il subit à son insu, de ne pas paraître trop revêche aux gens avec lesquels il est en rapports journaliers. Il faut savoir résister à ce sentiment. La France n'est pas rassasiée, dans ses justes revendications, parce que M. le Ministre des Affaires Étrangères aura entretenu avec Lord Lytton des relations de bonne compagnie, parce qu'il aura assisté à quelques “garden parties” du Faubourg Saint-Honoré. (Rires.)

Croyez bien qu'il n'y a aucune intention de raillerie dans mes paroles. Mais cela ne nous suffit pas. Les grands seigneurs Anglais ont, quand ils veulent s'en donner la peine, une grâce très captivante, très enveloppante; on la subit à son insu et, un beau jour, on apporte au Parlement un Traité que je ne qualifierai pas de concession d'après dîner—(nouveaux rires)—mais enfin qui se ressent, je le répète, de ces rapports mondains qui, étant accumulés, finissent par se répercuter dans les résolutions du Ministre des Affaires Étrangères.

Eh bien, Messieurs, c'est contre les surprises de ce sentiment très excusable, que je voudrais voir réagir le Ministre et après avoir énuméré les motifs qui, au point de vue diplomatique, me semblent de nature à faire écarter le projet, me sera-t-il interdit, puisque j'ai en face de moi M. le Ministre de la Marine, de l'appeler à mon aide. Ne pourrai-je pas lui demander de rappeler à son honorable collègue préoccupé, outre mesure selon moi, du désir d'éviter jusqu'à l'apparence d'une contrariété au Cabinet de Londres, que notre marine a pour mission essentielle de faire, sur tous les rivages, respecter les droits de la France, et que ce serait mal comprendre le rôle de nos cuirassés que de les transformer en bâtiments de plaisance destinés à charmer les loisirs de M. le Président de la Chambre des Députés. (Sourires approbatifs à Droite. Légères rumeurs à Gauche.)

M. le Ministre, en vertu des ordres ou tout au moins de la tolérance duquel ces promenades ont eu lieu—car il est assez difficile de supposer qu'un Vice-Amiral Commandant-en-chef, ancien Aide-de-camp du Prince Impérial, en ait pris l'initiative. (Nouvelles rumeurs sur les mêmes bancs.) M. le Ministre trouvera peut-être l'occasion bonne pour nous en expliquer le motif et nous en donner la justification.

Peut-être aussi M. le Ministre de la Marine nous expliquera-t-il la dénomination donnée à notre escadre, qualifiée d'escadre de la Méditerranée "occidentale et du Levant?"

Est-ce que, par hasard, nos bons amis les Anglais ou les Italiens auraient revendiqué le privilège de disposer des désignations de Méditerranée Centrale et de Méditerranée Orientale? (Bruit à Gauche.)

Mais alors, prenons garde. L'Espagne possède aussi un périmètre de côtes très respectable, et si elle réclamait contre l'accaparement par nous de l'épithète "d'occidentale," il ne nous resterait plus pour le baptême de notre escadre que la ressource de l'appeler escadre de la Méditerranée "provençale." (Sourires à Droite.)

M. Barbey (Ministre de la Marine).—Je vous ferai remarquer, M. le Sénateur, qu'il y a plusieurs années que l'escadre porte le nom "d'escadre de la Méditerranée et du Levant."

M. le Marquis de l'Angle-Beaumanoir.—Je le sais bien; mais mon observation porte sur l'addition du mot "occidentale," M. le Ministre.

M. le Ministre.—Cela vient de ce qu'autrefois il y avait une division navale dans le Levant qui a été supprimée. Ce sont des bâtiments détachés de l'escadre de la Méditerranée occidentale qui font actuellement le service dans le Levant.

En d'autres termes, il n'y a plus qu'une escadre pour le Levant et pour la Méditerranée occidentale. On a cru que cette mesure était avantageuse au point de vue de certaines éventualités dont je n'ai pas à parler ici.

M. le Marquis de l'Angle-Beaumanoir.—C'est une autre affaire, cela; mais vous ne me répondez pas du tout, M. le Ministre, et vous ne me dites pas pourquoi on s'est avisé de cette dénomination compliquée au lieu de dire tout bonnement comme jadis, lorsque j'avais moi-même l'honneur de servir comme officier dans cette escadre: escadre de la Méditerranée.

Je persiste donc dans mon interprétation; je crois que c'est une concession que nous avons faite; en tout cas, cela en a l'air.

Eh bien, Messieurs, cet exemple, que j'ai incidemment donné, vous prouve combien il est vrai qu'une concession entraîne une autre et qu'une fois pris dans l'engrenage, on ne peut plus s'en dégager. L'Angleterre, à qui nous avons fait tant de concessions—je regrette que M. le Président du Conseil ne soit pas là, parce que je lui rappellerais celle qu'il a consentie et que tout le monde connaît. . . . (Très bien! à Droite.)

Un Sénateur à Droite.—Ce n'est pas la peine!

M. le Marquis de l'Angle-Beaumanoir.—. . . L'Angleterre, à qui nous avons fait tant de concessions, nous en demande de nouvelles. Je supplie M. le Ministre des Affaires Étrangères de ne pas se laisser aller à un sentiment d'émulation qui pourrait le porter à marcher sur les traces de l'honorable M. de Freycinet.

Je sais bien qu'on n'a pas tous les jours une Égypte sous la main; mais enfin nous entendons ne pas abandonner Terre-Neuve.

Je prie donc M. le Ministre des Affaires Étrangères de ne pas céder à ce sentiment de courtoisie—ce sont les termes du Rapport—qui le conduirait, je ne dirai pas à faire litière de nos droits, mais à les laisser entamer et diminuer par l'Angleterre.

Ayons confiance en nos forces, au service de la meilleure des causes. Nous ne sommes pas provocateurs : soyons assurés que nous ne serons pas provoqués.

Je n'ai pas besoin d'ajouter que, dans les conditions que je viens de définir, je ne me crois pas autorisé à voter le Projet de Loi. (Très bien ! très bien ! à Droite.)

M. le Président.—La parole est à M. le Rapporteur.

M. Émile Lenoël (Rapporteur).—Messieurs, la Commission m'a donné mandat de rappeler les dispositions principales des Traités qui établissent, jusqu'à l'évidence la plus absolue, les droits de la France à Terre-Neuve ; de rappeler aussi les Actes du Parlement Anglais et du Gouvernement qui ont confirmé ces droits à diverses reprises ou qui ont prescrit les mesures nécessaires pour assurer leur exécution.

Mes deux honorables collègues, du reste, M. l'Amiral Veron et M. le Marquis de l'Angle-Beaumanoir ont reconnu que le Rapporteur avait consciencieusement rempli la mission qui lui avait été confiée. Seulement M. de l'Angle-Beaumanoir a considéré que les conclusions du Rapport ne concordaient pas avec les prémisses.

M. le Marquis de l'Angle-Beaumanoir.—C'est bien cela !

M. le Rapporteur.—Je traduis votre opinion d'un mot, et je me félicite d'avoir votre approbation ; il considère que la démonstration de nos droits est telle qu'il n'y a pas d'arbitrage à établir, et qu'en conséquence la seule conclusion logique à donner au Rapport était celle-ci : puisque nos droits sont manifestes, puisqu'ils sont certains, nous nous bornons à le constater.

M. le Marquis de l'Angle-Beaumanoir.—Je demande la parole.

M. le Rapporteur.—Messieurs, ce système très chevaleresque, qui révèle un sentiment d'opiniâtreté extrêmement louable parfois n'a paru ni au Gouvernement ni à la Commission devoir inspirer la réponse à faire à l'Angleterre dans les circonstances que j'ai maintenant très rapidement à faire connaître au Sénat.

Mais avant d'aller plus loin, c'est-à-dire de montrer comment, dans ces derniers temps, le Gouvernement a été appelé à entendre les propositions d'arbitrage ou plutôt à les faire lui-même, je vois qu'il convient de déterminer la nature et le caractère des droits qui appartiennent à la France, et sur lesquels nous sommes tous d'accord, mes honorables contradicteurs et moi.

Dans ces derniers temps, et depuis que la question de Terre-Neuve est devenue une question brûlante, j'ai souvent cherché à définir clairement la nature de ces droits contestés. Me défiant, d'ailleurs, de mon incompetence, je me suis adressé à des hommes fort expérimentés, qui, je l'avoue, ne sont pas arrivés à me fournir et à se donner à eux-mêmes des explications complètement satisfaisantes sur ce point.

Je crois que cela venait de ce que, pour apprécier les droits conférés à la France par le Traité d'Utrecht, en 1713, on se plaçait au point de vue des principes de notre législation actuelle, de notre droit contemporain, et même un peu du Code Civil, et non pas au point de vue des principes qui étaient la règle générale de l'Europe en 1713, époque du Traité d'Utrecht.

C'est ce défaut de méthode qui ne permettait pas de déterminer exactement la nature des droits conférés à la France ; et il est nécessaire de le faire, ce me semble, parce que, si nous déterminons bien la nature des droits, les conséquences juridiques en découleront nécessairement et seront encore un argument puissant de plus en notre faveur.

On se disait, en présence des termes de ce Traité d'Utrecht que vous connaissez tous, et de l'Article XIII notamment : " Qu'est-ce donc qui a été conféré à la France ? Est-ce un usufruit ? Non, car l'usufruit n'existe que pendant la vie d'une personne, et si l'usufruit existe au profit d'une communauté, au profit d'un être moral, il n'a d'autre durée que celle de trente ans.

Est-ce l'usage ? Non ; par la même raison ; et de plus, l'usager ne peut prendre que ce qui lui est nécessaire pour ses propres besoins et ceux de sa famille. Or, nos pêcheurs vont à Terre-Neuve pour un tout autre motif. Ils y vont pour faire une pêche considérable, qui est l'objet d'un grand commerce.

Est-ce une servitude ? Pas davantage ; la servitude n'existe que sur un fonds et au profit d'un autre fonds : fonds servant, fonds dominant ; il ne peut pas en être question.

Je suis convaincu que les négociateurs du Traité d'Utrecht ne se sont pas posé la question parce qu'ils n'avaient pas à se la poser, et pourquoi ? C'est qu'en 1713, le droit public Européen et en particulier le droit public de la France reconnaissait au domaine sur les choses un double caractère : il y avait le domaine direct et le domaine

utile ; le domaine direct, c'est-à-dire la seigneurie, la prédominance, la supériorité, la souveraineté ; le domaine utile, c'est-à-dire la propriété véritable du fonds, la perception des fruits, la perception de tout ce qui est utile, de tout ce qui est profitable. C'étaient là les idées du temps, on pensait ainsi en 1713.

Qu'a-t-on fait lorsqu'on a réservé en faveur de la France les droits que vous savez sur une partie des côtes à Terre-Neuve ? Qu'est-il dit dans l'Article XIII, que je ne veux pas lire en entier ?

“ L'Île de Terre-Neuve avec les îles adjacentes appartiendront désormais absolument à la Grande-Bretagne, et à cette fin, le Roi Très-Christien fera remettre à ceux qui se trouveront à ce commis en ce pays-là, dans l'espace de sept mois à compter du jour de l'échange des ratifications de ce Traité, ou plus tôt si faire se peut, la ville et le fort de Plaisance et autres lieux que les Français pourraient encore posséder dans ladite île, sans que ledit Roi Très-Christien, ses héritiers et successeurs, ou quelques-uns de ses sujets, puissent désormais prétendre quoi que ce soit, et en quelque temps que ce soit, sur ladite île et les îles adjacentes, en tout ou en partie. Il ne leur sera pas permis non plus d'y fortifier aucun lieu, ni d'y établir aucune habitation en façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni aborder dans ladite île dans d'autre temps que celui qui est propre pour pêcher et nécessaire pour sécher le poisson.”

Ce qui a été fait en 1713,—pour moi c'est l'évidence même,—c'est que le Roi de France a cédé au Roi d'Angleterre le domaine direct, la souveraineté sur l'île de Terre-Neuve. Mais quant au domaine utile appartenant aux pêcheurs de la France, qui depuis longtemps se rendaient à Terre-Neuve, il n'a été porté aucune atteinte à leurs droits. Et la conséquence en est qu'aujourd'hui comme avant 1713, le “ French Shore ” ou la partie des côtes réservée à la France, pour y exercer l'industrie de la pêche, lui est encore réservée comme elle l'était autrefois ; c'est que le “ French Shore ” est aujourd'hui, comme autrefois, le domaine utile de la France ; c'est que là les pêcheurs Français sont chez eux, comme on le disait tout à l'heure et qu'ils y peuvent exercer en toute liberté leur industrie.

Ces droits ainsi déterminés, les conséquences étant ce qu'elles sont, y a-t-il, comme le disait notre honorable collègue M. de l'Angle-Beaumanoir, danger à aller devant un Tribunal Arbitral et pourrions-nous faire autre chose ? Je ne le crois pas.

Tout à l'heure M. de l'Angle-Beaumanoir demandait à M. le Ministre de la Marine de vouloir bien s'expliquer, de donner tout au moins son sentiment sur les droits de la France à Terre-Neuve, et il le sommait, en quelque sorte, de revendiquer, dans l'intérêt de nos pêcheurs, tous les droits qui leur appartiennent sur le “ French Shore.” Je puis répondre à mon honorable collègue, quoique je n'aie pas mission de le faire, au nom de M. le Ministre ; car j'ai précisément noté avec le plus grand soin une dépêche signée de lui et dans laquelle, en 1887, avec une netteté remarquable, il défendait, affirmait et démontrait les droits de la France sur le “ French Shore ” sur les côtes de Terre-Neuve. Je ne vous la lirai pas, Messieurs, mais elle m'a paru mériter une note spéciale, et elle est mentionnée dans mon Rapport.

L'Amiral Krantz a fait de même, et il y a de lui des dépêches extrêmement remarquables dans lesquelles il affirme, comme l'avait fait son prédécesseur, M. Barbey, qu'il est réellement impossible de contester, comme l'on fait les Terre-Neuviens, les droits des pêcheurs Français sur les côtes de Terre-Neuve et les droits qu'ont nos croiseurs de faire respecter la pêche de nos nationaux.

Mais il y a ceci de très remarquable, c'est qu'après avoir soutenu d'une façon aussi nette et aussi énergique les droits de nos nationaux . . . :

M. le Marquis de l'Angle-Beaumanoir.—Il ne les a pas fait respecter.

M. le Rapporteur.—Attendez ! C'est M. l'Amiral Krantz qui, le premier, a conclu à l'arbitrage, et précisément dans celle de ses dépêches, où il affirme et démontre avec le plus d'énergie les droits de la France. Voici, Messieurs, comment il terminait cette remarquable dépêche, qui est à la date du 11 Mai, 1889 :—

“ Ainsi que j'ai eu l'honneur de vous l'exposer (disait-il à son collègue des Affaires Étrangères), dans mes précédentes lettres, et j'insiste de nouveau sur ce point, il n'est pas possible que, sur les mêmes lieux, les deux pêches de la morue et de l'appât par les Français, du homard par les Anglais, s'exercent parallèlement ; il faut que l'un cède la place à l'autre ; un fond garni de casiers de homards ne peut pas être exploité par la seine, et une région qui pourvoit une homarderie est par cela même enlevée à la pêche ordinaire. C'est de cette incompatibilité qu'est né l'incident Belin-Shearer. Il faut, de deux choses l'une, ou bien admettre que notre droit privilégié de pêche s'étend suivant l'esprit du Traité d'Utrecht, à toutes les espèces marines, ou bien reconnaître que le droit des Anglais de pêcher et de préparer le homard renverse toutes les dispositions et du

Traité et de la Déclaration du Roi Georges, et supprime pratiquement tous nos droits. Jamais cette vérité n'a été ni ne sera rendue plus évidente et plus palpable que dans le conflit actuel.

“ En résumé, je suis d'avis qu'il convient de faire connaître de la manière la plus nette au Gouvernement de la Reine, que nous regardons comme une violation formelle des Traités, l'attribution du monopole d'une portion du ‘French Shore’ au Sieur Shearer ; qu'il faut maintenir notre droit de pêcher et de préparer le homard sur le ‘French Shore,’ parce qu'il résulte de l'esprit du Traité d'Utrecht et que, sans lui, notre droit dominant de pêcher le poisson ne se concevrait pas ; qu'enfin, si c'est possible, nous faisons appel à un arbitrage désintéressé, ce moyen étant le seul qui puisse rendre nos droits parfaitement clairs, et en mieux assurer l'exercice.”

Or, Messieurs, trois jours après cette dépêche de l'Amiral Krantz à son collègue des Affaires Étrangères, ce dernier recevait de M. Waddington une lettre dans laquelle il lui rendait compte d'une conversation qu'il avait eue avec Lord Salisbury, et dans laquelle ce dernier, vaincu par la nécessité, amené par l'impossibilité même de faire autre chose à tenter cette dernière mesure, lui avait, de son côté, fait des ouvertures pour un arbitrage.

D'après cette ouverture de Lord Salisbury, tout pouvait être remis en question ; mais M. Waddington, avec une très grande sagacité et la plus haute prudence, répondait au Ministre Anglais qu'il n'avait pas d'instructions, et il ajoutait immédiatement : D'ailleurs, jamais mon Gouvernement ne consentira à un arbitrage qui porterait sur le fond même du droit, qui mettrait en question, comme un point litigieux, les droits de la France sur le “French Shore” en vertu du Traité d'Utrecht.

Les négociations se sont poursuivies et sont arrivées au point que vous connaissez, c'est-à-dire, qu'aujourd'hui le Parlement Anglais—j'en dirai un mot tout à l'heure, et je citerai quelques passages d'une discussion qui vient d'avoir lieu à la Chambre des lords—le Parlement Anglais a pour ainsi dire ratifié d'avance la Convention d'arbitrage et pris les mesures nécessaires pour que la décision des Arbitres reçoive son exécution.

Les faits qui se sont produits depuis les négociations qui ont eu lieu pour amener cette Convention sont-ils de nature à nous engager à repousser l'arbitrage ? Je crois qu'il faudrait être bien imprudent, bien téméraire pour arriver à une pareille conclusion. Vous n'avez pas oublié, Messieurs, si vous avez parcouru le Livre Jaune, que je ne puis évidemment que résumer, l'échange de correspondances délicates, vives parfois, qui a eu lieu entre la France et l'Angleterre, à propos des faits qui se sont passés à Terre-Neuve. Des capitaines de navires Français, convaincus, comme nous le sommes tous ici, de l'évidence des droits de la France sur le “French Shore,” et voyant des Anglais, avec leur pêche du homard, s'opposer à la pêche de nos nationaux, ont fait relever les casiers à homards et les ont fait placer sur le rivage.

M. le Marquis de l'Angle-Beumanoir.—Ils ont fait leur devoir !

M. le Rapporteur.—Je leur ai rendu hommage, M. de l'Angle-Beumanoir, j'ai commencé par là ; vous ne faites que vous associer à mes paroles.

M. le Marquis de l'Angle-Beumanoir.—Je m'y associe avec vigueur et, en ce qui vous concerne, avec reconnaissance !

M. le Rapporteur.—Ils ont fait cela et ils ont bien fait, nous sommes tous d'accord à cet égard ; le Gouvernement n'a pas pu les en blâmer non plus, et il les a couverts de son approbation la plus complète. . . .

M. le Marquis de l'Angle-Beumanoir.—Il faut continuer !

M. le Rapporteur.— . . . Aussi bien le Ministre de la Marine que le Ministre des Affaires Étrangères ; mais le fait n'en est pas moins là. Le “Bisson” a donc fait relever les casiers à homards, qui ont été plus tard remplacés à la suite de Conventions diplomatiques.

Quelque temps après, un autre croiseur, le “Drac,” renouvelait la même opération presque dans les mêmes conditions. Nouvel échange de dépêches, et, il faut le dire, nouvelles difficultés.

Je ne veux pas insister ; je ne peux pas lire tout le Livre Jaune, mais enfin, comme conclusion à tous ces faits, le Gouvernement Anglais, après les avoir constatés et relevés avec une certaine amertume, dit qu'il espère bien qu'à l'avenir des faits semblables ne se produiront plus ; il constate avec plaisir que la bonne harmonie n'a pas cessé d'exister, malgré toutes ces difficultés, entre les officiers commandant les deux divisions, Anglaise et Française, mais enfin il indique qu'il y a là une situation grave, tendue, dont les conséquences sont à redouter.

Je résume à grands traits les dépêches qui se sont échangées alors entre les deux Gouvernements.

Notez qu'une situation semblable se continue, alors que—je le répète—l'Amiral Krantz, qui n'a montré ni faiblesse ni pusillanimité dans ses dépêches, a le premier demandé lui-même l'arbitrage et que le Ministre Anglais le propose en même temps de son côté.

Cette proposition est agréée par les deux Gouvernements. M. le Ministre des Affaires Étrangères a pris, je peux le dire, les précautions les plus minutieuses—il le démontrera si besoin est—pour que les droits de la France ne soient pas mis en question, pour que ces droits, tels qu'ils résultent du Traité d'Utrecht, des Déclarations de 1783, de l'Acte du Parlement de la même époque, soient au-dessus et hors de toute espèce de contestation.

De là les termes de l'Article I^{er}. Mais pour que le Sénat n'ait pas l'ombre d'un doute à cet égard, je crois devoir placer sous ses yeux les termes mêmes de la dernière dépêche que M. Ribot a adressée à M. Waddington, avant d'autoriser l'Ambassadeur à donner sa signature provisoire à la Convention d'Arbitrage.

M. le Ministre des Affaires Étrangères terminait ainsi sa lettre :—

“En suggérant cette procédure, nous croyons donner une preuve décisive de la sincérité de notre désir d'arriver promptement à une solution définitive des difficultés soulevées à Terre-Neuve.

“Le Gouvernement Anglais reconnaîtra d'ailleurs avec nous que rien ne contribuera mieux à assurer l'efficacité de l'arbitrage et à en hâter les opérations que de s'attacher de part et d'autre “à ne pas mettre en cause le principe même des droits conférés à la France par les Traités et que nous ne pouvons pas considérer comme litigieux.”

C'est sur le reçu de cette dépêche, communiquée au Gouvernement Anglais, que M. Waddington signe, et il a soin d'écrire à M. le Ministre des Affaires Étrangères par lettre en date du 14 Février : “J'ai l'honneur de vous faire connaître que le Conseil des Ministres s'est réuni aujourd'hui et qu'après avoir examiné l'aide-mémoire que j'avais remis hier à Lord Salisbury et qui reproduisait les termes de vos instructions du 7 de ce mois—celles que je viens de lire—il a accepté vos propositions. Il est bien entendu que les Arbitres examineront et trancheront d'abord et à part la question des homards, mais le Gouvernement Anglais compte que les deux Gouvernements pourront plus tard leur soumettre d'autres questions.”

Cela, Messieurs, me ramène tout de suite à l'Article 4, dont je ne veux dire qu'un mot : l'Article 4, en effet, prévoit que d'autres questions “pourront être soumises à l'arbitrage,” mais il dispose que les deux Gouvernements devront préalablement s'être mis d'accord sur les termes des ces questions et que si cet accord préalable, qui nous garantit complètement, n'est pas intervenu, les Arbitres devront *de plano* se déclarer incompetents.

Enfin la note de M. Waddington continue :—

“Le fait d'un accord préalable et nécessaire pour que de nouvelles questions puissent être soumises aux Arbitres, nous permet d'exclure toute question relative aux droits fondamentaux que nous tenons des Traités ; il ne pourra s'agir que de quelques questions subsidiaires.”

C'est dans ces conditions, je le répète, que l'arbitrage a été conclu.

Maintenant faut-il, dans la situation que le Sénat connaît, refuser cet arbitrage, alors que, comme je le disais tout à l'heure, non seulement le Parlement Anglais paraît disposé à le voter, mais que devant même le vote de l'Arrangement, il discute en ce moment une Loi pour contraindre Terre-Neuve à l'exécution des décisions de la Commission Arbitrale ?

Vous savez, Messieurs, que la Chambre des Lords, qui a été saisie de la question, a déjà voté ce Bill relatif à l'exécution de la sentence arbitrale à intervenir ; mais ce qu'il est bon que le Sénat sache aussi, c'est ce qui s'est passé dans la Chambre des Lords, lorsque la question s'est élevée de savoir si on voterait une Loi permettant au Gouvernement de contraindre Terre-Neuve à l'exécution des décisions de la Commission Arbitrale.

“Lord Kimberley demande”—je lis un résumé, que je crois bien fait, de la séance du 4 Mai, de la Chambre des Lords—“Lord Kimberley demande qu'en présence des assurances données par les Délégués de Terre-Neuve au sujet de la législation de la Colonie pour l'exécution des Traités et du *modus vivendi* avec la France, on laisse à la Colonie le temps suffisant de mettre à exécution ses propositions.

“Lord Knutsford déclare que le Gouvernement ne peut adhérer à la demande de Lord Kimberley.

“Le Bill a un caractère Impérial, et ne touche pas à une question d'administration locale.

“Assurément ce Bill a provoqué de l'irritation à Terre-Neuve, mais cette irritation est venue principalement de la part de personnes peu au courant de l'état de choses.

“ Lord Knutsford croit que les explications qui ont été données lors de l'introduction du Bill ont beaucoup calmé cette irritation, mais ce n'est pas l'ajournement de l'examen du Bill qui amènera une amélioration de la situation.

“ Le Ministre des Colonies ajoute que la discussion du Bill ne viendra à la Chambre des Communes, comme il l'a promis, qu'après la Pentecôte.

“ Il est impossible d'abandonner l'arbitrage actuel ; mais le Gouvernement est prêt à donner l'assurance qu'aucune question nouvelle ne sera soumise aux Arbitres sans une pleine consultation de Terre-Neuve, et que l'avis du Gouvernement de l'île ne sera pas négligé si toutefois les intérêts de l'Empire ne sont pas en jeu.

“ Le Gouvernement examinera aussi si une compensation devra être donnée à ceux dont les intérêts pourraient avoir à souffrir de la décision des Arbitres.

“ Le Gouvernement espère toujours que Terre-Neuve consentira à être représentée par des Délégués au prochain arbitrage et s'associe cordialement à l'espoir exprimé par les Délégués que les relations entre la France et Terre-Neuve auront bientôt des bases plus satisfaisantes. Mais il ne peut pas consentir à leur désir que les demandes des Français soient indûment repoussées.

“ Lord Knutsford conclut en déclarant qu'il modifiera son Bill de façon à ce qu'il ne demande que l'application du *modus vivendi* et l'exécution de la décision des Arbitres.

“ Lord Herschell trouve les raisons énumérées par Lord Knutsford contre la motion Kimberley insuffisantes.

“ Lord Salisbury réplique :—

“ Le Gouvernement doit sa protection aux intérêts sérieux, et remplit les engagements internationaux. Il serait heureux de ne pas avoir recours au Bill, s'il avait l'assurance que la Colonie adoptât la législation nécessaire, mais quelle assurance ou probabilité y a-t-il que la Colonie soit disposée à voter une Loi semblable ?

“ Quelques démarches dans ce sens ont pu être tentées depuis que les Délégués de Terre-Neuve sont en Angleterre, mais rien ne donne l'assurance que la Législature de la Colonie remplisse les engagements pris par les Délégués.

“ Lord Salisbury conclut que si des engagements internationaux ne sont pas conclus, ce n'est pas le peuple de Terre-Neuve qui en souffrira, mais la responsabilité entière retombera sur l'Angleterre. Il est donc d'une nécessité vitale d'obtenir les pouvoirs demandés par le Bill.”

La Colonie de Terre-Neuve, qui n'a jamais voulu, vous le savez, consentir une ratification des Conventions faites avec l'Angleterre depuis fort longtemps, cette Colonie se voyant aujourd'hui—passez-moi le mot—prise par la Convention d'Arbitrage et le Bill qui a pour but de faire exécuter la décision arbitrale, s'est ravisée et a dit : Nous l'exécuterons, nous vous le promettons ! C'est pour cela que Lord Kimberley demandait un délai avant de voter le Bill proposé, jusqu'à ce que Terre-Neuve eût pu prendre les mesures nécessaires pour assurer sa mise à exécution. Et vous voyez que cette demande a été repoussée.

C'est donc, on vient de le voir, le Gouvernement Anglais comme le Gouvernement Français qui veut qu'aucune question nouvelle ne puisse être soumise à la Commission Arbitrale qu'avec l'assentiment et même l'autorisation du Parlement. Et Lord Salisbury, répondant à cette demande d'ajournement, réplique qu'elle pourrait être dangereuse pour les intérêts supérieurs de l'Empire.

Je ne sais si je me fais illusion, mais, je vous l'avoue, je vois dans cette discussion deux choses extrêmement importantes à mes yeux. J'y vois la pensée du Gouvernement Anglais de ne pas encourir à l'égard de Terre-Neuve, dont il craint les colères et les manifestations plus que bruyantes, la responsabilité qu'il redouterait si la Commission Arbitrale avait rendu sa décision avant que lui, Gouvernement, n'eût obtenu du Parlement un Bill lui enjoignant d'exécuter la décision arbitrale telle qu'elle sera rendue.

Je vois aussi, dans cette volonté du Gouvernement de se trouver ainsi armé pour ne pas avoir à redouter les luttes qu'il a déjà eu à soutenir du côté de Terre-Neuve, la pensée que ce Gouvernement s'attend parfaitement à ce que les droits de la France seront reconnus par la Commission Arbitrale.

Tant de précautions ne seraient pas prises par le Gouvernement Anglais s'il croyait que les droits de la France peuvent ne pas être reconnus.

Cette pensée du Gouvernement Anglais ne me laisse pour nous aucune crainte et me donne au contraire la plus ferme espérance, j'oserai presque dire la certitude de voir encore proclamer nos droits. Les deux Gouvernements ont choisi des Arbitres d'une honorabilité indiscutable et incontestée, d'un savoir non moins indiscutable et non moins incontesté. Je ne crains pas pour nos pêcheurs à qui les côtes de Terre-Neuve sont réservées, et c'est avec une pleine confiance que je m'en remets à l'arbitrage des hommes impartiaux qui ont

été choisis par les deux pays. Je convie donc le Sénat à vouloir bien adopter le Projet de Loi. (Très bien ! très bien.)

M. le Marquis de l'Angle-Beumanoir.—Je demande la parole.

M. le Président.—La parole est à M. de l'Angle-Beumanoir.

M. le Marquis de l'Angle-Beumanoir.—Messieurs, en écoutant notre honorable collègue M. Lenoël, j'admiraïs comme toujours son profond savoir de jurisconsulte. Sur ce terrain, je ne chercherai pas à le suivre. Il nous a fait entendre notamment une dissertation très complète, très savante à propos du domaine utile. Je me bornerai seulement à cette simple réflexion, c'est que si nous faisons à l'Angleterre les concessions qui vous sont demandées, notre domaine du "French Shore" nous deviendrait complètement inutile. L'honorable Rapporteur a invoqué sa ferme espérance ; je crois que dans une action diplomatique la ferme espérance n'a que faire, et qu'on doit chercher son point d'appui dans la valeur des gages échangés.

En revanche, j'aperçois dans l'Article Unique du Projet de Loi quelques mots qui semblent avoir passé inaperçus et qui méritent cependant de fixer l'attention du Sénat.

On nous propose d'adopter la rédaction suivante :—

"Le Président de la République Française est autorisé à ratifier et, s'il y a lieu, à faire exécuter l'Arrangement concernant les pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et la Grande-Bretagne, et dont une copie demeurera annexée à la présente Loi."

Il me semble que l'on place éventuellement M. le Président de la République dans une situation bien fautive. Quoique ce ne soit un mystère pour personne, dans cette Assemblée, que je ne suis pas un Républicain bien fervent (sourires), je vous prie de croire que lorsqu'il s'agit des rapports de la France avec l'étranger, je suis aussi jaloux du respect qui est dû au chef de l'Etat que s'il portait la Couronne de France. (Très bien !) Et c'est pourquoi j'appelle d'une manière très pressante votre attention sur la situation faite à M. le Président de la République.

On propose à l'acceptation des Chambres un Projet de Loi ayant pour but d'autoriser M. le Président de la République à ratifier l'engagement conclu le 11 Mars entre la France et l'Angleterre. Mais si, postérieurement à cette ratification, le Gouvernement ou le Parlement Anglais n'approuvent pas cette Convention, actuellement soumise à leur examen, M. le Président de la République remettra donc sa ratification dans sa poche et rentrera chez lui ? Je ne peux pas admettre cette alternative.

Quelle est la situation respective des deux Puissances ? La France a des droits, des droits que personne ne conteste, qu'on proclame à chaque minute avec une véhémence pour laquelle chaque orateur rivalise de vigueur, et lorsque nous avons attesté ces droits que nous oppose-t-on ? Les prétentions, les *desiderata*, les vœux, les appétits de l'Angleterre.

Voici comment j'aurais compris, M. le Ministre, que la question fût posée. Nous avons des droits, nous les exerçons avec les tempéraments qu'il nous convient d'y apporter. L'Angleterre veut les modifier. Quel procédé doit-elle prendre ? Elle doit présenter un projet ferme, et non un projet en l'air, suspendu à l'adhésion plus ou moins certaine de son Parlement. M. le Ministre des Affaires Étrangères a, jusqu'à présent, laissé parler M. le Rapporteur de la Commission ; je serais charmé, je l'avoue, de l'entendre à son tour.

Je me résume donc en disant que si l'Angleterre propose un projet précis, non suspendu à un vote qui n'est pas encore obtenu, si nous sommes ainsi assurés que la ratification demandée à M. le Président de la République ne demeurera pas lettre morte, alors nous pourrions donner au Projet de Loi notre approbation. Mais je ne puis pas admettre que la France, qui n'a rien à demander à l'Angleterre, qui n'a qu'à défendre ses droits, soit mise dans cette position fautive de donner son adhésion préalable et que l'Angleterre puisse dire : Réflexion faite, notre Parlement n'approuve pas l'Arrangement ou celui de Terre-Neuve le repousse.

J'attends les explications que M. le Ministre des Affaires Étrangères voudra bien donner ; je ne les divine pas, je ne les pressens pas, je l'avoue.

Pourquoi, en effet, n'attendrions-nous pas le vote définitif du Parlement Anglais et aussi le vote de ce Bill dont on nous parle et qui a pour but d'exercer une influence décisive et au besoin comminatoire sur les Terre-Neuviens ? Rien ne nous presse, rien ne nous empêche de différer notre adhésion et de renvoyer le Projet de Loi à la Commission. Je ne vois aucun inconvénient à cela.

Une fois que nous serions en possession d'une adhésion formelle de l'Angleterre, d'une décision sur laquelle elle ne pourrait pas revenir, nous ne serions pas exposés à subir ce rôle ridicule d'avoir été au-devant de propositions faites par elle, acceptées par nous, et

finalement repoussées et refusées par son Gouvernement. J'appelle, Messieurs, votre attention sur ce point. Je doute que M. le Ministre des Affaires Étrangères puisse nous présenter des conclusions triomphantes ; j'attends ses explications avec curiosité. (Très bien ! très bien ! à Droite.)

M. Ribot (Ministre des Affaires Étrangères).—Je demande la parole.

M. le Président.—La parole est à M. le Ministre des Affaires Étrangères.

M. le Ministre des Affaires Étrangères.—Messieurs, je n'ai pas, en effet, l'intention de triompher, comme le dit l'honorable Sénateur qui descend de cette tribune, mais je voudrais bien qu'il m'expliquât d'une façon plus claire la critique qu'il semble adresser à la procédure que nous avons suivie. Nous avons signé avec le Gouvernement Anglais une Convention ; nous avons pensé qu'elle ne pouvait pas être ratifiée par M. le Président de la République, si nous n'étions pas munis de l'autorisation des Chambres. (Marques d'approbation.) Je ne crois pas que, sur ce point, nous soyons exposés à la critique.

M. le Marquis de l'Angle-Beaumanoir.—Non !

M. le Ministre.—Le Gouvernement Anglais peut avoir, de son côté, une semblable autorisation à demander ; il a déjà l'assentiment de la Chambre des Lords, et l'honorable Sénateur n'est pas complètement renseigné quand il dit qu'on a renvoyé le vote après la Pentecôte. Le vote de la Chambre haute est acquis à l'heure qu'il est.

Les deux Gouvernements sont obligés de marcher parallèlement pour s'assurer qu'ils sont d'accord avec leurs Parlements, et l'objection qu'on nous fait est assez singulière. On nous dit : Quelle serait la situation si, après que les Chambres Françaises auraient accepté la Convention, les Chambres Anglaises refusaient l'approbation nécessaire ? Le Gouvernement Français aurait fait un pas inutile ; il se trouverait—a-t-on dit—dans une situation difficile, et même ridicule.

En conséquence, ajoute-t-on, nous devrions attendre que le Gouvernement Anglais eût obtenu des deux Chambres l'approbation définitive de l'Arrangement.

Mais si, à la Chambre des Lords, un honorable Pair tenait le même langage au Premier Ministre d'Angleterre et lui disait à son tour : En nous saisissant de cette question, vous faites une imprudence ; vous devriez attendre que le Parlement Français eût statué définitivement avant de nous saisir, car s'il repoussait la Loi qui lui sera soumise, vous nous auriez mis dans une situation ridicule.

M. le Marquis de l'Angle-Beaumanoir.—Ce n'est pas notre affaire. Nous ne faisons pas de propositions à l'Angleterre.

M. le Ministre.—Permettez-moi de vous dire que la procédure que nous avons adoptée est celle qui a toujours été suivie, parce que c'est la seule que commande la courtoisie internationale, et je pourrais ajouter le bon sens ; elle consiste à saisir simultanément les Chambres et à faire marcher l'affaire du même pas dans les deux pays.

La question est venue devant la Chambre haute, en Angleterre, et les propositions du Gouvernement ont été votées. Nous demandons aujourd'hui respectueusement au Sénat de faire le même pas en avant. (Approbation sur divers bancs.)

Tout ne sera pas fini alors, Messieurs, nous aurons à demander à la Chambre des Députés un vote semblable à celui du Sénat.

Au surplus, le sort de la Convention n'est pas douteux. L'Angleterre a engagé sa parole ; le Premier Ministre a déclaré qu'il obtiendrait sous une forme ou sous une autre les pouvoirs nécessaires pour faire exécuter cet arrangement.

Si, par une aventure que je ne peux pas supposer, la Convention était repoussée en Angleterre, croyez bien que l'échec et l'embarras ne seraient pas pour le Parlement et le Gouvernement Français. (Très bien ! très bien !)

Messieurs, après ces courtes explications qui, je l'espère, auront paru décisives à l'honorable Sénateur, j'ai vraiment peu de choses à ajouter à ce qu'a dit tout à l'heure avec tant de clarté et de force l'honorable Rapporteur. Il a rendu ma tâche extrêmement facile.

Il n'est pas vrai, comme vous avez pu vous en convaincre par la lecture des documents, qu'à aucune époque, et particulièrement dans ces derniers temps, le Gouvernement Français ait fait preuve de complaisance exagérée et, comme on l'a dit, de faiblesse vis-à-vis du Gouvernement Anglais. Nous avons, au contraire, repoussé avec beaucoup de fermeté les tentatives répétées qui ont été faites auprès de nous pour nous amener, de façon ou d'autre, à l'abandon de nos droits à Terre-Neuve. Vous savez ce que désirent les Terre-Neuviens : ils voudraient que le Gouvernement Français, en échange d'une indemnité, abandonnât complètement les droits qui résultent pour nous des Traités.

Nous n'avons pas laissé la discussion s'établir sur ce terrain. Nous considérons comme important que notre marine conserve le droit d'aller chercher sur le "French Shore" l'appât nécessaire pour pratiquer avec succès, comme elle l'a toujours fait sur le

Grand-Banc, cette pêche à laquelle prend part une portion si considérable de nos braves populations maritimes. (Nouvelles marques d'approbation.)

Nous n'avons pas admis que l'arbitrage portât sur ce droit de pêche, sur ce qu'il a d'essentiel, de permanent, et de nécessaire. (Très bien ! Très bien ! à Gauche.)

Nous avons, au contraire, pensé—et vous serez assurément de notre avis—que sur une question secondaire comme celle de la pêche du homard, dans laquelle l'intérêt Français, si respectable qu'il soit, est nécessairement très limité, nous avons pensé, dis-je, que nous ne pouvions pas, surtout après les précédents que vous connaissez, opposer un refus absolu de consentir à un arbitrage. (Très bien ! très bien !)

Nous ne le pouvions pas. Non que j'aie le moindre doute sur les droits de la France. On a voulu me reprocher les déclarations que j'ai faites à cette tribune lorsque j'ai affirmé en termes énergiques que je considérais que les Traités étaient clairs. Je soutiens encore que je les considère comme parfaitement décisifs en notre faveur ; mais je ne puis pas faire que de l'autre côté du Déroit on ne les ait mis en contestation ; je ne puis pas faire surtout que depuis un certain nombre d'années les Anglais n'aient établi sur le "French Shore" des homarderies qui, aujourd'hui, sont beaucoup plus nombreuses que celles des pêcheurs Français.

Vous avez vu, par la statistique contenue dans le Rapport du Commandant Maréchal, que les Anglais ont soixante-huit homarderies, tandis que nous n'en avons plus que six. En présence de cette situation, que vouliez-vous que nous fissions ? Ces homarderies existent ; vous n'entendez pas faire appel à la violence pour les détruire !

M. Halgan.—On n'aurait pas dû les laisser s'établir.

M. le Ministre.—L'honorable M. Halgan dit qu'on n'aurait pas dû les laisser s'établir. Elles existent pourtant ; c'est un fait que nous ne pouvons supprimer. L'enjeu que nous mettons dans l'arbitrage se réduit, à l'heure présente, à l'existence de six homarderies. L'enjeu des Terre-Neuviens est beaucoup plus considérable, et nous avons le plus grand intérêt à faire disparaître leurs établissements, qui sont une gêne permanente pour nos pêcheries et une occasion d'incessantes difficultés.

C'est cette question seule des homarderies tant Anglaises que Françaises, que nous soumettons aux Arbitres, et je pense que le Sénat tout entier reconnaîtra que nous avons poussé la résistance jusqu'où nous le devons, avec fermeté quand il s'agissait de défendre le fond même de nos droits, mais que nous avons donné, au contraire, non pas seulement une preuve de courtoisie, mais une preuve de sagesse en ne poussant pas le conflit jusqu'à le rendre aigu et insoluble, et en acceptant sur cette question secondaire le jugement d'hommes éminents et impartiaux. (Très bien ! très bien ! à Gauche.)

Messieurs, l'Article IV de la Convention stipule que l'arbitrage pourra être étendu à d'autres questions, et ces mots ont paru éveiller dans l'esprit de quelques-uns des membres du Sénat des préoccupations que je veux écarter.

L'honorable Amiral Veron m'a dit : "Mais, avec une pareille formule, tout pourrait être mis en question !"

D'abord, je fais remarquer que le texte même de l'Arrangement porte qu'il ne peut s'agir que de questions "subsidiâmes," et c'est à notre demande que ce mot a été introduit.

Nous ne voulions pas fermer absolument la porte à toute extension sur des points de détail, et, comme je l'ai expliqué, il y a une question que nous serons peut-être amenés, d'un commun accord, à faire trancher par les Arbitres : c'est celle de savoir quelle est l'étendue de la zone sur laquelle pèsent nos droits à l'encontre de l'Angleterre. (Approbation.)

Il est évident que, quand on parle du rivage, on ne parle pas de l'île tout entière ; on parle d'une certaine zone qui n'a jamais été déterminée.

Voilà des questions qui ne touchent pas au fond du droit, puisque ce sont des questions d'application, d'exécution de Traités.

Ce sont ces questions seules que nous pourrions éventuellement soumettre aux Arbitres. (Nouvelles marques d'approbation.)

Le Sénat peut prendre acte de nos déclarations à cet égard, déclarations que je fais d'autant plus volontiers que mon langage sur ce point n'a jamais varié. (Très bien ! à Gauche.)

Cela dit, je n'ai plus qu'un seul mot à ajouter en ce qui concerne l'exécution des décisions qui pourront être prises par les Arbitres.

On a rappelé que la Colonie de Terre-Neuve avait montré à différentes reprises moins que de l'empressement à déférer aux désirs de la Métropole et à se prêter à l'exécution des arrangements consentis par l'Angleterre.

M. le Marquis de l'Angle-Beauvoir.—C'est une insubordination complète.

M. le Ministre.—Le Gouvernement Français aurait été imprévoyant s'il n'avait pas

pris des précautions pour assurer l'exécution de la sentence à l'intervenir; et, si vous voulez bien lire l'Arrangement, vous verrez que les deux Gouvernements ont pris sur ce point un engagement formel. Nous ne connaissons pas, quant à nous, la Colonie de Terre-Neuve (très bien! très bien!); nous ne la connaissons pas en tant que pouvoirs publics (nouvelles marques d'approbation); nous ne connaissons que l'Angleterre; c'est elle que nous considérons comme garante et comme responsable vis-à-vis de nous de la conduite de la Colonie. S'il est vrai, comme on l'annonce en ce moment, que le Parlement de Terre-Neuve ait voté des dispositions pour assurer l'exécution de l'arbitrage, nous ne pouvons assurément apprendre cette nouvelle qu'avec satisfaction; mais elle ne change rien à notre situation respective.

C'est toujours l'Angleterre, et l'Angleterre seule, que nous aurons vis-à-vis de nous; et si, par un revirement que je ne veux pas prévoir, la Colonie de Terre-Neuve venait à se soustraire ultérieurement aux obligations que l'Angleterre a contractées, nous considérerions et l'Angleterre considère assurément qu'il serait de son devoir et de son honneur de prendre toutes les mesures législatives nécessaires pour vaincre les résistances de la Colonie et assurer l'exécution pleine et intégrale de la sentence. (Nouvelle approbation à Gauche.)

M. le Marquis de l'Angle-Beaumanoir.—Cette situation n'est pas nouvelle. Elle existe en vertu des Traités. L'obligation dans laquelle se trouve l'Angleterre de faire exécuter les anciens Traités est la même que celle qu'elle contractera par la nouvelle Convention.

M. le Ministre.—L'Angleterre a toujours, en fait, affirmé son désir de faire exécuter, à notre égard, les Traités; seulement, elle s'est aperçue à son détriment, dans ces derniers temps, que le pouvoir légal pouvait lui faire défaut; elle s'en est aperçue lorsqu'une Cour de Justice a condamné le Commandant de sa station navale pour avoir exécuté le *modus vivendi*. . . .

M. le Marquis de l'Angle-Beaumanoir.—C'est une erreur qui date de 1713! Il est un peu tard pour s'en apercevoir.

M. le Ministre.—Que des erreurs aient pu se produire dans cette affaire si épineuse et si difficile, je suis disposé à le concéder; mais une pareille discussion serait, en ce moment, je crois, absolument inutile. Ce que j'affirme, c'est que nous avons demandé à l'Angleterre, dans les termes les plus clairs, de s'engager à assurer l'exécution de la sentence, quelle qu'elle fût, et que l'Angleterre a pris cet engagement.

C'est dans ces conditions propres à rassurer le Sénat que nous lui soumettons avec confiance l'approbation de l'Arrangement. (Très bien! très bien!)

Nous pensons avoir concilié la défense de nos intérêts, dans ce qu'ils ont de légitime et de nécessaire, avec le désir sincère de ne pas exagérer, de ne pas compliquer les difficultés que nous pouvons rencontrer sur des points secondaires avec une grande Puissance voisine et amie. Nous avons d'ailleurs plaisir à reconnaître que dans les pourparlers qui ont précédé la Convention, ainsi que dans les démarches qui sont faites en ce moment pour en assurer l'exécution, l'Angleterre s'est montrée animée, comme nous-mêmes, du désir le plus sincère et le plus loyal d'écarter les difficultés et de faire respecter la parole qu'elle nous a donnée. (Très bien! très bien! et applaudissements sur un grand nombre de bancs.)

M. le Président.—Personne ne demande plus la parole?

Je consulte le Sénat sur la question de savoir s'il entend passer à la discussion de l'Article Unique du Projet de Loi.

(Le Sénat décide qu'il passe à la discussion de cet Article.)

M. le Président.—Je donne lecture de l'Article Unique :—

“*Article Unique.*—Le Président de la République Française est autorisé à ratifier et, s'il y a lieu, à faire exécuter l'Arrangement concernant les pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et la Grande-Bretagne, et dont une copie demeurera annexée à la présente Loi.”

(Le Projet de Loi, mis aux voix, est adopté.)

Inclosure 2 in No. 2.

No. 72.—SÉNAT.—Session 1891.

Annexe au Procès-verbal de la Séance du 4 Mai, 1891.

Rapport fait au nom de la Commission chargée d'examiner le Projet de Loi portant approbation d'un Arrangement concernant les Pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et l'Angleterre ; par M. Émile Lenoël, Sénateur.*

Messieurs,

PAR le Projet de Loi qui vous est soumis, le Gouvernement vous demande d'autoriser M. le Président de la République à ratifier, et, s'il y a lieu, à faire exécuter une Convention d'Arbitrage concernant les pêcheries de Terre-Neuve, conclue le 11 Mars, 1891, entre la France et la Grande-Bretagne.

La Commission que vous avez nommée pour étudier cette Convention m'a fait l'honneur de me charger de vous rendre compte de l'examen auquel elle s'est livrée.

Ainsi que vous l'avez vu dans le Livre Jaune qui nous a été distribué en même temps que le Projet de Loi, des difficultés se sont souvent élevées dans le passé entre les pêcheurs Anglais et Français sur les côtes de Terre-Neuve, qui nous sont affectées par les Traités, et ces difficultés ont, depuis quelques années, pris plus d'importance et d'acuité, par suite de la pêche du homard, inusitée autrefois, et aussi par suite de l'édification, sur le "French Shore," d'usines destinées à le préparer.

Mais les droits de la France n'ont jamais été, et ne pouvaient pas être, directement contestés, en présence des termes du Traité d'Utrecht, qui les a établis, du Traité de 1763, qui les a confirmés, des actes postérieurs émanés du Gouvernement de la Grande-Bretagne, pour les faire respecter, et enfin des Conventions signées par lui, d'accord avec la France, pour éviter que les pêcheurs Anglais puissent y porter atteinte.

Ces Conventions, il est vrai, sont restées sans application par le refus du Parlement de Terre-Neuve d'y donner son assentiment, qui avait été réservé par le Gouvernement Anglais ; mais l'opinion de ce Gouvernement s'est ainsi solennellement manifestée, puisque c'est lui-même qui sollicitait, du Parlement Colonial, l'adhésion qui n'a pas été donnée.

I.

Rappelons donc quelques-uns des textes sur lesquels sont fondés les droits de la France.

Le premier, c'est l'Article XIII du Traité d'Utrecht, qui consacre l'abandon par la France, au profit de la Grande-Bretagne, de l'île de Terre-Neuve et des îles adjacentes ; mais qui réserve, en même temps, aux Français le droit de pêcher et de sécher le poisson sur une partie déterminée des côtes de Terre-Neuve.

Cette réserve est exprimée dans les termes suivants :—

"Il ne leur sera pas permis (aux Français) d'y fortifier aucun lieu ni d'y établir aucune habitation en façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni aborder, dans ladite île, dans d'autre temps que celui qui est propre pour pêcher et nécessaire pour sécher le poisson. Il ne sera pas permis aux dits sujets de la France de pêcher et de sécher le poisson en aucune partie que depuis le lieu appelé le Cap de Bonavista, jusqu'à l'extrémité septentrionale de la dite île, et de là, en suivant la partie occidentale, jusqu'au lieu appelé Pointe-Riche . . ."

Le Traité du 10 Février, 1763, Article V, rappelle en ces termes les droits de la France :—

"Les sujets de la France auront la liberté de la pêche et de la sécherie sur une partie des côtes de Terre-Neuve, telle qu'elle est spécifiée par l'Article XIII du Traité d'Utrecht, lequel Article est renouvelé et confirmé par le présent Traité . . ."

L'Article VI rend à la France les Iles de Saint-Pierre et Miquelon, pour servir d'abri, est-il dit, aux pêcheurs Français. Ces îles avaient été cédées, comme toutes les autres, par le Traité d'Utrecht, portant abandon de Terre-Neuve et des îles adjacentes.

* Cette Commission est composée de MM. Amiral Peyron, Président ; Morel, Secrétaire ; Émile Lenoël, Gilbert Gaillard, A. Huguet, J. Bozérián, Lesouef, Amiral Véron, Godin.
(Voir le No. 45, Sénat, Session 1891).

Le Traité du 3 Septembre, 1783, substitue une partie de côtes nouvelles à une partie de celles qui avaient été primitivement assignées à la France.

L'Article V, qui consacre cet échange, est ainsi conçu :—

“ Sa Majesté le Roi Très-Chrétien, pour prévenir les querelles qui ont eu lieu jusqu'à présent entre les deux nations Françaises et Anglaise, consent à renoncer au droit de pêche qui lui appartient, en vertu de l'Article XIII du Traité d'Utrecht, depuis le Cap Bona Vista jusqu'au Cap Saint-Jean . . . et Sa Majesté le Roi de la Grande-Bretagne consent, de son côté, que la pêche assignée aux sujets de Sa Majesté Très-Chrétienne commençant audit Cap Saint-Jean, passant par le nord, et descendant par la côte occidentale de l'Île de Terre-Neuve, s'étende jusqu'à l'endroit appelé Cap Raye . . . Les Pêcheurs Français jouiront de la pêche qui leur est assignée par le présent Article, comme ils ont eu droit de jouir de celle qui leur est assignée par le Traité d'Utrecht.”

Le même jour, 3 Septembre, 1783, l'Ambassadeur d'Angleterre, dûment autorisé par son Souverain, signe une Déclaration dans laquelle on lit :—

“ Pour que les pêcheurs des deux nations ne fassent point naître des querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français, pendant l'exercice temporaire qui leur est accordé, sur les côtes de l'Île de Terre-Neuve et elle fera retirer, à cet effet, les établissements sédentaires qui y seront formés. . . .

L'Article XIII du Traité d'Utrecht et la méthode de faire la pêche qui a été de tout temps reconnu, sera le modèle sur lequel la pêche s'y fera : on n'y contreviendra pas ni d'une part ni de l'autre, les pêcheurs Français ne bâtissant rien que leurs échafaudages, se bornant à réparer leurs bâtiments de pêche et n'y hivernant point ; les sujets de Sa Majesté Britannique, de leur part, ne molestent aucunement les pêcheurs Français, durant leurs pêches, ni ne dérangent leurs échafaudages, durant leur absence.”

En conséquence de cette déclaration, la vingt-huitième année du règne de Georges III, le Parlement Anglais a voté un Acte pour mettre en mesure Sa Majesté de faire tous Règlements nécessaires afin de prévenir les inconvénients qui pourraient résulter des compétitions entre les sujets de Sa Majesté et ceux du Roi Très-Chrétien, pêchant sur les côtes de l'Île de Terre-Neuve.”

Cet Acte relate les termes des Traités antérieurs et de la Déclaration elle-même, et il conclut ainsi :—

“ Qu'il est et sera loisible à Sa Majesté et à ses successeurs de donner de temps à autre au Gouverneur de Terre-Neuve et à tous officiers dans cette Colonie les ordres et instructions jugés convenables et nécessaire pour atteindre les objets du Traité définitif et de la Déclaration précités, s'il est nécessaire ; à cet effet, de donner des ordres et des instructions au Gouverneur et aux officiers susdits pour enlever ou faire enlever tous chauffauds, claies, matériel, et autres installations quelconques servant à la pêche, construits par les sujets de Sa Majesté sur cette partie de la côte qui s'étend du Cap Saint-Jean au Cap Raye, passant au nord et s'étendant par le littoral occidental de l'île, ainsi que pour écarter ou faire écarter tous vaisseaux, navires, et bateaux appartenant à des sujets de Sa Majesté, qui seraient trouvés dans les limites susdites et, en cas de refus de quitter les parages ci-dessus spécifiés, d'y contraindre par la force les sujets de Sa Majesté, nonobstant tous lois, usages, et coutumes contraires.”

Le Traité du 30 Mai, 1814, signé entre la France, l'Autriche, la Russie, la Grande-Bretagne, et la Prusse, dispose, par un Article spécial, l'Article XIII, sur le droit de pêche des Français à Terre-Neuve ; cet Article est ainsi conçu :—

“ Quant au droit de pêche des Français sur le Grand-Banc de Terre-Neuve, sur les côtes de l'île de ce nom et les îles adjacentes et dans le Golfe de Saint-Laurent, tout sera remis sur le même pied qu'en 1792.”

C'est en vertu de ces actes que, le 12 Août, 1822, le Gouverneur de Terre-Neuve faisait connaître, par une Proclamation, “ que les sujets de Sa Majesté Très-Chrétienne doivent avoir pleine et entière jouissance de la pêche dans les limites et bornes ci-dessus énoncées, pour en faire usage ainsi qu'ils y sont autorisés par le Traité d'Utrecht.

“ A cette fin, il est expressément enjoint à tous les officiers, Magistrats, et autres fonctionnaires de notre Gouvernement, de donner des ordres dans leurs divers services, et dans les limites de leur compétence respective, pour qu'aucun trouble ou empêchement ne

soit apportée, sous quelque prétexte que ce puisse être, à l'exploitation de ladite pêche par les sujets Français, à qui les officiers et Magistrats devront assistance en tant que de besoin.

“ Et avis est donné par les présentes à tous les sujets de Sa Majesté, qui se rendent sur la partie de Terre-Neuve ci-dessus désignée, de n'interrompre en aucune manière la pêche des sujets de Sa Majesté Très-Chrétienne, dans les limites qui viennent d'être mentionnées.

“ Si aucun des sujets de Sa Majesté refusait de quitter cette partie de la côte dans un délai convenable, après invitation à le faire, les officiers sous nos ordres devront prendre des mesures pour que les échafauds et autres installations créés par les récalcitrants, pour l'exploitation desdites pêcheries, soient enlevés ainsi que les bateaux et navires en dépendant et qui se trouveraient dans les limites susdites; lesdits officiers sont autorisés, par les présentes, à user des moyens qu'ils jugeront nécessaires pour contraindre les sujets de Sa Majesté à quitter cette partie de la côte de l'île et ils devront les prévenir, comme ils le sont par les présentes, qu'ils seront traduits devant les Tribunaux en raison de leurs refus, conformément à l'Acte du Parlement.”

II.

Il serait difficile d'interpréter d'une façon plus décisive les textes constitutifs des droits de la France et de prescrire des mesures plus nettes pour en garantir l'exercice.

Mais les difficultés n'ont pas cessé et le 14 Janvier, 1857, les deux Gouvernements ont signé une Convention nouvelle dans le but d'écarter toute contestation entre leurs sujets respectifs.

Cette Convention, il est vrai, n'a pas été appliquée, parce que le Gouvernement Anglais avait réservé l'assentiment de la Législature de Terre-Neuve, et que cet assentiment a été refusé; mais elle n'est pas moins un document de la plus haute importance, puisqu'elle a été préparée, négociée, et signée, par le Gouvernement Anglais.

Or, dans ce document, il est dit vingt fois que les Français auront le *droit exclusif du rivage* pour les besoins de leur pêche. Ces mots ne se rencontrent pas dans les actes antérieurs, mais ils qualifient si exactement le caractère des droits de la France que les négociateurs de la Grande-Bretagne n'ont pas songé à en employer d'autres.

Sans doute, de son côté, le Gouvernement Français reconnaissait aux pêcheurs Anglais la faculté, jusque-là contestée, de pêcher concurremment avec les nôtres sur quelques points des rivages réservés à la France; mais cette concession, sans importance pratique, n'expliquerait pas qu'on eût attribué aux droits de la France un caractère exclusif, si ce caractère n'eût pas existé déjà en vertu des anciens Traités.

En 1884 et en 1885 nouveaux arrangements qui s'inspirent des mêmes pensées, mais nouveau refus de la Législature de Terre-Neuve d'accéder à ces arrangements, et, pour protester contre leurs dispositions conciliantes, elle vote une Loi qui interdit la vente de la boëtte aux pêcheurs étrangers, c'est-à-dire, aux Français qui avaient l'habitude de s'approvisionner sur les côtes de Terre-Neuve de l'appât nécessaire à l'exercice de leur industrie.

III.

A ces difficultés vint s'en ajouter une autre relative à la pêche du homard et à l'établissement d'un certain nombre d'usines sur la côte réservée aux pêcheurs Français.

Les termes des Traités permettaient à la France de s'opposer à l'établissement de homarderies par des pêcheurs Anglais, par cela seul que la pêche du homard peut nuire aux droits des Français et les entraver dans leur industrie; mais, par un sentiment de courtoisie et de tolérance on ne songea pas d'abord à en demander la suppression, on s'efforça seulement de prendre des mesures qui fussent de nature à sauvegarder le plus possible les intérêts des pêcheurs Français.

A la faveur de ces dispositions bienveillantes, les homarderies Anglaises se multiplièrent sur le “ French Shore,” et il en existe aujourd'hui soixante-huit, dont une partie n'est plus exploitée.

Le Gouvernement Français éleva enfin des réclamations, mais le Gouvernement Anglais répondit par une véritable fin de non-recevoir fondée, d'après lui, sur un double motif :—

Le premier, c'est que les Traités n'auraient conservé à la France, comme condition de la cession de Terre-Neuve, que le droit de pêcher et de sécher le poisson; que le homard serait un crustacé, non pas un poisson; que, dès lors, les Français n'auraient pas le droit de le pêcher.

Le second, c'est que les Français, n'ayant un droit sur le rivage qui leur est réservé

que pour la pêche de la morue, les Anglais auraient le droit de pêcher, concurremment avec eux toute autre espèce.

Le Gouvernement Français a répondu que le droit de pêche réservé par les Traités était absolu ; qu'il n'était pas restreint à tel ou tel poisson ; que, sans doute, à l'époque du Traité d'Utrecht, la morue était, en fait, le seul poisson qu'on pêchât à Terre-Neuve, mais que cette circonstance ne pouvait pas créer un obstacle à la pêche de tout autre produit marin qui se rencontrerait dans les eaux du " French Shore ;" que sur le rivage dont il s'agit, tous les ans, la libre jouissance, pendant la campagne de pêche, les Français ont le droit de n'être *ni molestés ni gênés* de quelque façon que ce soit ; que nul ne peut donc s'opposer à l'exercice de leur industrie pendant le temps qu'ils passent à Terre-Neuve, et, bien moins encore, se livrer à une pêche qui les prive d'une partie des avantages auxquels ils peuvent prétendre et qui les paralyse dans la pêche de la morue, dont on ne peut pas raisonnablement songer à les déposséder.

En conséquence de ces prétentions opposées, des ordres contradictoires ont été donnés aux Commandants des escadres. Les Anglais prétendent qu'eux seuls peuvent pêcher le homard, que, par conséquent, les homarderies Françaises qui se sont élevées ont été établies sans droit ; les Français soutiennent, au contraire, qu'ils peuvent demander la destruction des homarderies Anglaises, et s'opposer à ce qu'il en soit créé de nouvelles. Des officiers Français ont, par suite, procédé à la levée des casiers à homard qui gênaient la pêche de nos nationaux, et saisi différents engins qui, du reste, ont été bientôt et spontanément remis aux croiseurs Anglais.

Mais le Cabinet de Londres a protesté contre ces actes, prétendant qu'à supposer que les Français soient gênés dans leur pêche, il n'appartient qu'à ses officiers de faire cesser le trouble ; que les navires Français n'ont aucun droit à exercer sur les pêcheurs Anglais, qu'ils ne peuvent que constater les délits, les dénoncer au Commandant de la Station Anglaise et attendre de lui la répression des actes dont nos nationaux croient avoir à se plaindre.

IV.

Au milieu de toutes ces divergences et tous ces faits irritants, l'Amiral Krantz, alors Ministre de la Marine, dans des lettres adressées à son collègue des Affaires Étrangères, a discuté avec une rare habileté les prétentions du Gouvernement Anglais, et affirmé avec une grande force les droits de la France ; mais, comme le Cabinet de Londres persistait dans son opinion, l'Amiral Krantz a eu le premier la pensée de recourir à un arbitrage.

" En résumé," disait-il dans une lettre du 11 Mai, 1889, " je suis d'avis qu'il convient de faire connaître, de la manière la plus nette, au Gouvernement de la Reine que nous regardons comme une violation formelle des Traités l'attribution du monopole du ' French Shore ' au Sieur Shearer (sujet Anglais), qu'il faut maintenir notre droit de pêcher et de préparer le homard sur le ' French Shore,' parce qu'il résulte de l'esprit du Traité d'Utrecht, et que, sans lui, notre droit dominant de pêcher le poisson ne se concevrait pas ; qu'enfin, si c'est possible, nous faisons appel à un arbitrage désintéressé, ce moyen étant le seul qui puisse rendre nos droits parfaitement clairs et en mieux assurer l'exercice."

La situation était tellement tendue qu'elle inspirait au même moment une pensée semblable à Lord Salisbury, et dans une lettre de M. Waddington du 21 Mai, il rend compte d'une conversation qu'il avait eue quelques jours avant avec Lord Salisbury, et dans laquelle le Ministre Anglais lui avait proposé de soumettre *l'ensemble de la question à un Arbitre impartial*.

M. Waddington répondit qu'il était sans instructions ; mais qu'un arbitrage *sur l'ensemble de la question* impliquerait que les droits de la France sont douteux. Tout au plus pourrait-on concevoir, ajoutait-il, l'application de l'arbitrage à un point non visé spécialement par le Traité d'Utrecht, les homarderies par exemple.

Les sages réserves de notre Ambassadeur ont eu l'approbation complète de M. Spuller, alors Ministre des Affaires Étrangères, et il a accepté " le principe d'un arbitrage propre à donner satisfaction à la pensée de conciliation commune aux deux Cabinets, *sans mettre en cause la validité des Traités et le principe de nos droits*. Il a, en conséquence, émis l'avis qu'il fallait que l'arbitrage fût limité à des points non visés par le Traité d'Utrecht, comme la question des homarderies."

L'honorable M. Ribot a adopté la manière de voir de son prédécesseur, et continué les négociations en ce sens ; elles ont abouti au projet d'Arrangement qui est soumis au Sénat.

Avant d'en examiner les Articles et de vous rendre compte des observations auxquelles ils ont donné lieu dans la Commission, il est nécessaire de faire remarquer que la limitation de l'arbitrage au point spécial des homarderies a été toujours et énergiquement soutenue

par notre Gouvernement, et que c'est après l'échange de dépêches très nettes à cet égard qu'a été signé l'Arrangement, à la date du 11 Mars.

Le 7 Février, M. Ribot adressait à M. Waddington des instructions dans lesquelles il disait :—

“Le Gouvernement Anglais reconnaîtra d'ailleurs avec nous que rien ne contribuera mieux à assurer l'efficacité de l'arbitrage et à en hâter les opérations que de s'attacher de part et d'autre à *ne pas mettre en cause le principe même des droits conférés à la France par les Traités et que nous ne pouvons pas considérer comme litigieux.*”

Le 14 Février, M. Waddington annonçait à M. Ribot que ses instructions avaient été communiquées à Lord Salisbury et que ses propositions étaient acceptées.

Si donc on rapproche le texte de l'Arrangement des derniers documents qui l'ont précédé et préparé, nul doute ne peut s'élever sur la portée de l'arbitrage consenti par les deux Gouvernements.

V.

Venons maintenant au texte même de l'Arrangement et aux observations qu'il a provoquées de la part de quelques-uns des membres de la Commission.

L'Article I^{er} leur a paru dangereux en ce qu'il déclare que la Commission Arbitrale jugera et tranchera toutes les questions de principe qui lui seront soumises par l'un ou l'autre Gouvernement, concernant la pêche du homard et sa préparation.

Or, ont-ils dit, ces mots, “les questions de principe concernant la pêche du homard,” permettraient à la Commission Arbitrale d'aller jusqu'à dire que le droit de pêcher le homard sur le “French Shore” n'appartient pas aux Français en vertu des Traités, alors que nous avons toujours soutenu que nous avons sur les côtes, à nous réservées, le droit de pêche le plus absolu, et que nous ne pouvons être gênés ni dérangés par personne dans l'exercice de ce droit ; nous faisons donc une concession imprudente en soumettant à un arbitrage la question des homarderies.

Il a été répondu que, si contraire au texte des Traités que puisse paraître la prétention du Gouvernement Anglais, cette prétention n'existe pas moins, que c'est là un fait qu'il faut bien reconnaître et qu'il n'y a d'autre moyen de trancher la difficulté que celui qui est proposé, c'est-à-dire la décision d'un tribunal arbitral.

D'ailleurs, a-t-on ajouté, la France, qui se croit certaine de son droit, ne peut pas redouter d'en soumettre l'appréciation à des Arbitres dont la haute honorabilité et la science donnent les plus précieuses garanties.

Il ne faut pas oublier, en effet, qu'à côté des Traités exécutoires il y a les Traités doctrinaux que Terre-Neuve n'a pas voulu accepter, mais que l'Angleterre a signés, et que dans l'un d'entre eux, celui de 1857, le droit exclusif des Français sur le “French Shore” est reconnu à chaque ligne.

Or, le Traité de 1885 n'est pas légalement applicable non plus, par suite du refus de la Législature de Terre-Neuve d'y adhérer, et cependant le Ministre des Affaires Étrangères de la Grande-Bretagne, dans une note adressée à M. Waddington, le 24 Novembre, 1886, exprime l'espoir que le Gouvernement Français appliquera celle des dispositions du Traité qui stipulait que tous les établissements de homarderies existants seraient maintenus jusqu'au règlement de la question des pêcheries.

Comment craindre qu'un tribunal arbitral n'ait pas la pensée comme l'Angleterre elle-même, de demander aux Conventions signées entre les deux Gouvernements quelle a été leur interprétation commune quant aux droits réservés à la France sur Terre-Neuve ?

Les Articles suivants ont été ensuite examinés par la Commission. Les Articles II et IV ont seuls donné lieu à des observations qui ont paru rendre nécessaires les explications du Gouvernement, et MM. les Ministres des Affaires Étrangères et de la Marine ont été priés de vouloir bien venir les donner à la Commission.

Ils se sont empressés de se rendre à son appel et on a reproduit devant eux, avec beaucoup de force, les objections élevées contre l'Article I^{er}, qui permet de mettre en question devant les Arbitres le droit pour les Français de pêcher le homard sur des côtes dont ils ont la pleine et entière jouissance pendant la saison de la pêche, ainsi que les Ministres l'ont souvent affirmé à la tribune.

Sans doute, a-t-on dit, l'Angleterre élève des prétentions contraires et il faut bien en tenir compte, aussi comprendrait-on un arrangement conventionnel entre les deux États, arrangement par lequel chacun d'eux abandonnerait une partie de ses prétentions pour arriver à faire disparaître toutes les difficultés. Mais un Traité de telle nature serait soumis aux Chambres qui apprécieraient l'importance des concessions demandées, tandis qu'un arbitrage implique que nos droits peuvent être contestés et niés : c'est là ce que nous ne devons pas admettre.

M. le Ministre des Affaires Étrangères a répondu que l'Angleterre et la France se sont toujours efforcées d'écarter de la question tout caractère aigu, mais qu'il en est autrement de la Colonie de Terre-Neuve, qui voudrait forcer la main à sa Métropole et l'amener à contester nos droits. N'a-t-on pas aussi parlé d'indemnité pour obtenir que nous y renoncions ? Mais nous n'avons pas voulu écouter les propositions qui nous auraient été faites à cet égard.

Toutefois, nous devons essayer d'écarter les points irritants. Des homarderies Anglaises se sont établies sur le "French Shore," il y a une vingtaine d'années, nous n'en n'avons pas d'abord demandé la destruction et, quelque temps après, des Français ayant voulu fonder des établissements semblables, l'Angleterre a contesté leurs droits, prétendant que nous ne sommes pas autorisés à pêcher le homard. Alors on a vécu d'accommodements en laissant, de part et d'autre, subsister ce qui avait été fait.

Mais cette situation ne peut pas se perpétuer; comment en sortir ? Les deux Puissances ont pensé à un arbitrage; mais avec cette réserve absolue qu'il ne pourra pas porter sur le principe de nos droits constitués par le Traité d'Utrecht, et qu'il devra se restreindre à la question des homarderies.

En fait, nous avons laissé établir des homarderies; nous ne pouvons pas aujourd'hui aller les détruire sans notifications, sans mise en demeure préalable. Des ménagements, des délais sont évidemment nécessaires pour que leur suppression soit le moins préjudiciable possible. Un arbitrage semble s'imposer pour statuer sur de semblables questions.

Mais notre principal intérêt à Terre-Neuve, c'est la pêche de la morue, et pour cette pêche il nous faut de la boëtte. Lorsque les habitants de l'île nous la vendaient, nous y trouvions plus d'avantage qu'à la pêcher nous-mêmes; mais aujourd'hui qu'ils ne peuvent plus nous la vendre, nous sommes dans l'obligation d'aller la prendre sur les côtes qui nous sont réservées par les Traités.

Voilà notre principal intérêt actuel; mais il peut en surgir un autre. La morue peut diminuer au Grand-Banc et abonder sur les côtes de l'île; nos droits sont donc de la plus haute importance, comme ils sont au-dessus de toute contestation.

C'est pour cela qu'ils échappent à l'arbitrage, qui ne pourra porter que sur les questions de principe concernant la pêche du homard.

M. le Ministre tient à expliquer ces mots : *questions de principe*; ils ont été insérés dans la Convention pour bien faire comprendre que les Arbitres chargés de statuer sur les contestations entre les deux États n'auront pas compétence pour connaître des actions qui pourraient être intentées par des particuliers, pour réclamer, par exemple, des dommages-intérêts ou des indemnités.

Sur l'Article 2, un membre demande si l'Angleterre est résolue à imposer à Terre-Neuve l'exécution de la décision arbitrale.

M. le Ministre répond que le Cabinet Anglais a pris l'engagement de la faire exécuter. Un Bill à ce sujet a été voté par la Chambre des Lords et sera soumis à la Chambre des Communes après la Pentecôte. Si le Bill n'était pas voté, M. le Ministre ne proposerait pas à M. le Président de la République de ratifier l'Arrangement. Or, la formule de l'Article Unique du Projet de Loi a précisément pour but de permettre au Gouvernement de n'engager définitivement la France que lorsqu'il aura la certitude que la décision arbitrale sera exécutée.

Un Membre a appelé l'attention de M. le Ministre sur les termes de l'Article 4, qui permet de saisir la Commission Arbitrale d'autres questions subsidiaires relatives aux pêcheries des côtes de Terre-Neuve et sur le texte desquelles les deux Gouvernements seront tombés d'accord.

Il se demande si cet Article ne permettrait pas de soumettre à la Commission des questions très graves concernant les pêcheries et pouvant compromettre les droits de la France.

M. le Ministre a répondu qu'il est peut-être dans les intentions de l'Angleterre d'élargir l'arbitrage et de lui soumettre des points qui impliqueraient la discussion de nos droits; mais que les deux Gouvernements devant se mettre d'accord sur les questions à poser aux Arbitres, il veillera, avec le plus grand soin, à ce que la question des homarderies seule leur soit soumise. Ces mots *questions subsidiaires relatives aux pêcheries* se réfèrent, dans sa pensée, à des points qui avaient été réglés dans les Traités de 1857 et de 1885, comme la largeur du "French Shore" entre la haute mer et l'intérieur de l'île, comme l'usage des trappes ou de tel autre instrument de pêche, &c. Quant au fond même du droit, il sera rigoureusement réservé.

Un Membre a fait observer que la population de Terre-Neuve ne nous est pas hostile; qu'elle est, au contraire, animée de bons sentiments à notre égard; que les habitants riverains de la Baie de Fortune, qui étaient habitués à nous vendre la boëtte, protestent contre la mesure qui leur a interdit cette vente, et qu'ils sont bien loin de demander notre

éviction. C'est un petit groupe d'industriels et d'armateurs qui se sont coalisés contre nos pêcheurs, surtout à cause des primes que ceux-ci reçoivent de l'État et qui leur permettent de faire une concurrence avantageuse aux pêcheurs Anglais.

M. le Ministre croit qu'en effet les négociants de Terre-Neuve se plaignent surtout de nos primes et qu'ils cherchent à en obtenir de l'Angleterre; mais il ne croit pas qu'ils puissent réussir.

M. le Ministre de la Marine s'est associé aux observations de son collègue et il a demandé à la Commission d'approuver la Convention d'Arbitrage, en rappelant toutes les difficultés qui surgissent chaque jour et dont chacune peut avoir de graves conséquences.

La majorité de votre Commission partage son sentiment et c'est pour écarter ces éventualités que, pénétrée des droits de la France, mais confiante dans les Arbitres qui auront à statuer, elle vous demande de vous en remettre à eux du soin de résoudre les questions relativement secondaires qui leur seront soumises.

En conséquence, Messieurs, nous avons l'honneur de vous proposer d'adopter le Projet de Loi tel qu'il vous a été présenté par le Gouvernement.

Projet de Loi.

Article Unique.—Le Président de la République Française est autorisé à ratifier et, s'il y a lieu, à faire exécuter l'Arrangement concernant les pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et la Grande-Bretagne, et dont une copie demeurera annexée à la présente Loi.

Arrangement concernant les Pêcheries de Terre-Neuve, conclu le 11 Mars, 1891, entre la France et l'Angleterre.

Le Gouvernement de la République Française et le Gouvernement de Sa Majesté Britannique ayant résolu de soumettre à une Commission Arbitrale la solution de certaines difficultés survenues sur la partie des côtes de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, en passant par le nord, sont tombés d'accord sur les dispositions suivantes :—

1. La Commission Arbitrale jugera et tranchera toutes les questions de principe qui lui seront soumises par l'un ou l'autre Gouvernement ou par leurs Délégués, concernant la pêche du homard et sa préparation sur la partie susdite des côtes de Terre-Neuve.

2. Les deux Gouvernements s'engagent, chacun en ce qui le concerne, à exécuter les décisions de la Commission Arbitrale.

3. Le *modus vivendi* de 1890, relatif à la pêche du homard et à sa préparation, est renouvelé purement et simplement pour la saison de pêche de 1891.

4. Une fois que les questions relatives à la pêche du homard et à sa préparation auront été tranchées par la Commission, elle pourra être saisie d'autres questions subsidiaires, relatives aux pêcheries de la partie susdite des côtes de Terre-Neuve et sur le texte desquelles les deux Gouvernements seront préalablement tombés d'accord.

5. La Commission Arbitrale sera composée :—

(1.) De trois spécialistes ou juris-

The Government of the French Republic and the Government of Her Britannic Majesty having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coast of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions :—

1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government or by their Delegates concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

3. The *modus vivendi* of 1890, relative to the catching and preparation of lobsters, is renewed purely and simply for the fishery season of 1891.

4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission, it may take cognizance of other subsidiary questions relative to the fisheries, on the above-mentioned portion of the coasts of Newfoundland and upon the text of which the two Governments shall have previously come to an agreement.

5. The Commission of Arbitration shall be composed :—

(1.) Of three specialists or juris-

consultes désignés d'un commun accord par les deux Gouvernements;

(2.) De deux Délégués de chaque pays qui seront les intermédiaires autorisés entre leurs Gouvernements et les autres Arbitres.

6. La Commission Arbitrale ainsi formée de sept membres statuera à la majorité des voix et sans appel.

7. Elle se réunira aussitôt que faire se pourra.

Fait à Londres, le 11 Mars, 1891.

(Signé) WADDINGTON.
SALISBURY.

consults designated by common consent by the two Governments;

(2.) Of two Delegates of each country who shall be authorized channels of communication between the two Governments and the other Arbitrators.

6. The Commission of Arbitration thus formed of seven members shall decide by majority of votes and without appeal.

7. It shall meet as soon as possible.

Done at London, the 11th day of March, 1891.

(Signed) SALISBURY.
WADDINGTON.

(Translation.)

Annex to Minutes of the Sitting of May 4, 1891.

Report presented by M. Émile Lenoël, Senator, in the name of the Commission charged with the examination of the Bill to approve an Arrangement respecting the Newfoundland Fisheries, concluded between France and England on March 11, 1891.*

Gentlemen,

BY the Bill now submitted to you, the Government requests you to authorize the President of the Republic to ratify, and, if need be, to put into execution, a Convention of Arbitration concerning the Newfoundland fisheries which was concluded between France and Great Britain on the 11th March, 1891.

The Commission which you appointed to consider this Convention has honoured me with the task of reporting to you the result of the examination which it has undertaken.

As you have seen in the Yellow Book, which was distributed to us at the same time as the Bill, difficulties have frequently arisen in the past between the British and French fishermen on those coasts of Newfoundland which are assigned to us by the Treaties, and these difficulties have of late years become more important and acute owing to the lobster fishery, which was formerly not carried on, and owing also to the erection on the French Shore of factories intended for the preparation of lobsters.

But the rights of France have never been and could not be directly disputed in view of the terms of the Treaty of Utrecht which established them, of the Treaty of 1763 which confirmed them, of the subsequent Acts issued by the Government of Great Britain in order to make them respected, and, lastly, in view of the Conventions signed by the latter, in conjunction with France, to prevent their infringement by English fishermen.

These Conventions, it is true, remained in abeyance through the refusal of the Newfoundland Parliament to assent to them; an assent which had been reserved by the British Government; but the opinion of that Government has thus been solemnly declared, since it is that very Government which solicited from the Colonial Parliament the adherence which was withheld.

I.

Let us, therefore, recapitulate some of the texts on which the rights of France are based:—

The first is Article XIII of the Treaty of Utrecht, which sanctions the cession by France, to the advantage of Great Britain, of the Island of Newfoundland and the adjacent islands, but which, at the same time, reserves to Frenchmen the right of catching and drying fish on a specified portion of the coasts of Newfoundland.

This reservation is expressed in the following terms:—

“It shall not be lawful for them (the subjects of France) to fortify any place, or to erect any buildings there, *besides stages made of boards and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish* It shall not be allowed to the said subjects of France *to catch fish and to*

* This Commission is composed of Admiral Peyron, President; M. Morel, Secretary; MM. Émile Lenoël, Güttert Gaillard, A. Huguet, J. Bozérien, Lesouef, Admiral Véron, and M. Godin.

dry them on land, in that part only and in no other besides that, of the said Island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Point Riche. . . .”

The Treaty of the 10th February, 1763 (Article V), recapitulates in the following terms the rights of France :—

“The subjects of France *shall have the liberty of fishing and drying* on a part of the coasts of the Island of Newfoundland, such as it is specified in Article XIII of the Treaty of Utrecht, which Article is renewed and *confirmed by the present Treaty*. . . .”

Article VI restores to France the Islands of St. Pierre and Miquelon, “to serve as a shelter,” it is stated, “for the French fishermen.” These islands had been ceded, as well as all the others, by the Treaty of Utrecht, declaring the cession of Newfoundland and of *the adjacent islands*.

The Treaty of the 3rd September, 1783, substitutes another portion of the coast in exchange for a part of that which had been originally assigned to France.

Article V, which sanctions this exchange, is thus worded :—

“His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of France and England, consents to renounce the right of fishing which belongs to him in virtue of Article XIII of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, . . . and His Majesty the King of Great Britain consents, on his part, that *the fishery assigned to the subjects of His Most Christian Majesty*, beginning at the said Cape St. John, passing to the north and descending by the western coast of the Island of Newfoundland, shall extend to the place called Cape Ray. . . . *The French fishermen shall enjoy the fishery which is assigned to them by the present Article*, as they had a right to enjoy that which was assigned to them by the Treaty of Utrecht.”

On the same day, the 3rd September, 1783, the British Ambassador, duly authorized by his Sovereign, signed a Declaration, in which the following passages occur :—

“In order that the fishermen of the two nations may not give cause for daily quarrels, *His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French* during the temporary exercise of it which is granted to them on the coasts of the Island of Newfoundland; and *he will, for this purpose, cause the fixed settlements which shall be formed there to be removed*. . . .”

“The XIIIth Article of the Treaty of Utrecht, and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan on which the fishery shall be carried on there; it shall not be deviated from by either party, the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; *the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence*.”

In consequence of this Declaration, the British Parliament, in the twenty-eighth year of the reign of George III, passed an Act “to enable His Majesty to make such Regulations as may be necessary to prevent the inconvenience which might arise from the competition of His Majesty’s subjects and those of the Most Christian King in carrying on the fishery on the coast of the Island of Newfoundland.”

This Act recites the terms of the previous Treaties and of the Declaration itself, and concludes as follows :—

“That it shall and may be lawful for His Majesty and his successors from time to time to give such orders and instructions to the Governor of Newfoundland, or to any officers in that Colony, as he shall deem proper and necessary to fulfil the purposes of the Definitive Treaty and Declaration aforesaid; and if it shall be necessary to that end, *to give orders and instructions to the Governor and officers aforesaid to remove, or cause to be removed, all staves, flakes, materials, or other works whatever for the purpose of carrying on fishery, erected by His Majesty’s subjects* on that part of the coast which lies between Cape St. John and Cape Raye, passing to the north and descending by the western coast of the island, *and also to keep off, or cause to be kept off, all ships, vessels, and boats belonging to His Majesty’s subjects* which shall be found within the limits aforesaid, and also, in case of

refusal to depart from within the limits aforesaid, *to compel the subjects of His Majesty to depart from thence, any law, usage, or custom to the contrary notwithstanding.*"

The Treaty of the 30th May, 1814, signed between France, Austria, Russia, Great Britain, and Prussia, regulates by a special Article, Article XIII, the French right of fishery in Newfoundland. This Article runs as follows:—

"The French right of fishery upon the Great Bank of Newfoundland, upon the coasts of the island of that name, and of the adjacent islands in the Gulf of St. Lawrence, shall be replaced upon the footing on which it stood in 1792."

It was in virtue of these instruments that, on the 12th August, 1822, the Governor of Newfoundland made known by Proclamation *"that the subjects of His Most Christian Majesty are to have full and complete enjoyment of the fishery within the limits and boundaries aforesaid, in the manner they are entitled to enjoy the same under the Treaty of Utrecht. And to this end all officers, Magistrates, and others under my Government are hereby strictly enjoined that they do in their several stations, and as far as depends on each of them respectively, prevent any obstructions or interruptions under any pretence being given to the subjects of France in the enjoyment of the said fishery, and that they, the said officers and Magistrates, do give them all reasonable countenance therein."*

"And notice is hereby given to all His Majesty's subjects resorting to that part of the coast of Newfoundland before described, that they are not to interrupt in any manner the aforesaid fishery of the subjects of His Most Christian Majesty within the limits above mentioned."

"And in case any of His Majesty's subjects shall refuse to depart from that part of the coast within a reasonable time after receiving notice so to depart, the officers under my orders are to cause any stages, flakes, train vats, or other works whatever erected by them, for the purpose of carrying on the said fishery, to be removed, and also all ships, vessels, and boats belonging to them within the limits aforesaid; and the said officers are hereby required to use such means as may be found necessary for compelling His Majesty's subjects to depart from that part of the coast of this island, and to inform them, as they are hereby informed, that they will be prosecuted in the Courts of Law for such their refusal, in the manner directed by Act of Parliament."

II.

It would be difficult to interpret more decisively the texts on which are based the rights of France, or to prescribe more definite measures to guarantee the exercise of those rights.

Yet the difficulties did not cease, and on the 14th January, 1857, the two Governments signed a new Convention, with the object of preventing all contention between their respective subjects.

This Convention, it is true, was not carried out, because the British Government had made it subject to the consent of the Newfoundland Legislature, and because that consent was refused; but it is none the less a document of the highest importance, as having been prepared, negotiated, and signed by the British Government.

Now, in this document it is stated twenty times over that the French shall have the *exclusive right to the shore* for the requirements of their fishery. These words are not met with in the earlier Agreements, but they describe so exactly the character of the French rights that the British negotiators did not think of using any others.

No doubt the French Government, on their side, allowed to the English fishermen the power, till then disputed, of fishing concurrently with ours on some points of the shore reserved to France; but this concession, which is without practical importance, would not account for an exclusive character being attributed to the rights of France if that character had not already existed by virtue of the old Treaties.

In 1884 and 1885 there were fresh arrangements founded upon similar views; but the Legislature of Newfoundland again refused to accede to those arrangements, and, in order to protest against their conciliatory provisions, it passed a Law which prohibited the sale of bait to foreign fishermen, that is to say, to the French, who were in the habit of procuring on the coast of Newfoundland the bait which they required for the exercise of their industry.

III.

To these difficulties was added a further one, relative to the catching of lobsters, and to the establishment of a certain number of factories on the shore reserved to French fishermen.

The terms of the Treaties allowed France to oppose the establishment of lobster factories by British fishermen, for the simple reason that lobster-catching may be injurious to the rights of the French, and impede them in their industry; but, from a feeling of courtesy and toleration, nothing was done at first to demand their demolition; efforts were only made to take measures of such a nature as would protect as far as possible the interests of the French fishermen.

Favoured by these friendly arrangements, the British lobster factories multiplied upon the French Shore, and sixty-eight of them are now in existence, some of which are no longer used.

The French Government at length remonstrated; but the British Government replied by a positive refusal to entertain their objections, basing that refusal on two reasons:—

The first was that the Treaties were held to reserve to France, as a condition for the cession of Newfoundland, only the right of catching and of drying fish; that the lobster is a crustacean, and not a fish, that consequently the French had no right to catch it.

The second was that, the French having on the shore which is reserved to them only a right to the cod fishery, the English had the right to fish, concurrently with them, for any other species.

The French Government answered that the right of fishery reserved by the Treaties was absolute; that it was not restricted to any particular kind of fish; that no doubt, at the time of the Treaty of Utrecht, cod was as a matter of fact the only fish which was fished for in Newfoundland; but that this circumstance could not form an obstacle to fishing for any other marine product which might be found in the waters of the French Shore; that on the coast of which they enjoy the free use every year during the fishery season, the French have the right to be neither molested nor impeded in any manner whatsoever; that no one may therefore oppose the exercise of their industry during the time which they spend in Newfoundland, and still less engage in a fishery which deprives them of a part of the advantages to which they may lay claim, and which paralyzes them in the cod fishery of which it cannot reasonably be intended to dispossess them.

In consequence of these opposing claims, contradictory orders were given to the commanding officers of the two squadrons. The English contend that they alone may catch lobsters, and that therefore the French lobster factories that have been erected have been established illegally; the French maintain, on the contrary, that they may insist on the demolition of the British lobster factories and oppose the erection of new ones. French officers in consequence proceeded to remove the lobster-traps which impeded the fishery of our nationals, and seized various implements, which, however, were promptly and spontaneously handed over to the British cruisers.

But the Cabinet of London protested against these acts, contending that, supposing the French to be impeded in their fishery, it was the business of its officers only to put a stop to the disturbance; that French vessels have no rights which they can exercise over British fishermen, that they may only take note of the offences, lodge an information of them with the commanding officer on the British station, and await from him the repression of the acts of which our nationals may think themselves entitled to complain.

IV.

In the midst of all these differences and of all these irritating circumstances, Admiral Krantz, then Minister of Marine, in letters addressed to his colleague at the Foreign Office, discussed with rare ability the claims of the British Government, and asserted with great force the rights of France, but as the Cabinet of London persisted in its opinion, Admiral Krantz was the first to think of recourse to arbitration.

“To sum up,” he said, in a letter of the 11th May, 1889, “I am of opinion that it is proper to acquaint the Government of the Queen in the clearest manner possible that we consider the assignment of the monopoly of the French Shore to Mr. Shearer (British subject) as a formal violation of the Treaties; that our right to catch and prepare lobster on the French Shore must be maintained, because it results from the spirit of the Treaty of Utrecht, and because our dominant right to catch fish would be inconceivable without it; that, finally, if possible, *we should appeal to disinterested arbitration*, this means being the only one that can render our rights perfectly clear, and better insure their exercise.”

The situation was so strained that a similar idea occurred at the same moment to Lord Salisbury; and M. Waddington, in a letter of the 21st May, records a conversation which he had had some days before with Lord Salisbury, in which the British Minister had proposed to him to submit *the whole question to an impartial Arbitrator*.

M. Waddington replied that he was without instructions, but that arbitration *on the*

whole question would imply that the rights of France are doubtful. It would be possible at most, he added, to entertain the application of arbitration to a point not specially contemplated by the Treaty of Utrecht: lobster factories, for instance.

The wise reservations of our Ambassador met with the complete approval of M. Spuller, then Minister for Foreign Affairs, and he accepted "the principle of an arbitration calculated to give satisfaction to the conciliatory sentiments common to both Cabinets, *without putting in question the validity of the Treaties and the principle of our rights*. He therefore expressed the opinion that the arbitration must be limited to points not contemplated by the Treaty of Utrecht, such as the question of lobster factories.

The Honourable M. Ribot adopted the view of his predecessor, and continued the negotiations in that sense; they have ended in a draft Arrangement which is now submitted to the Senate.

Before examining its Articles, and reporting to you the observations to which they gave rise in the Commission, it is necessary to observe that the limitation of the arbitration to the particular point of the lobster factories has always been energetically maintained by our Government, and that it was after the exchange of despatches which were very precise on this head, that the Arrangement of the 11th March was signed.

On the 7th February M. Ribot addressed instructions to M. Waddington, in the course of which he stated: "The British Government will, moreover, recognize with us that nothing will more contribute to insure the efficacy of the arbitration, and to hasten its proceedings, than to be careful on both sides *not to put in question the principle itself of the rights which were conferred upon France by the Treaties, and which we cannot consider as being open to question.*"

On the 14th February M. Waddington reported to M. Ribot that his instructions had been communicated to Lord Salisbury, and that his proposals were accepted.

If, therefore, the text of the Arrangement is considered in connection with the most recent documents preceding and leading up to it, no doubt can arise as to the scope of the arbitration agreed upon by the two Governments.

V.

Let us now come to the text itself of the Arrangement, and to the observations which it elicited from some of the members of the Commission.

The 1st Article appeared to them dangerous, on the ground that it declares that the Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government concerning the catching and preparation of lobsters.

They remarked that these words, "the questions of principle concerning the catching of lobsters," would leave it open to the Commission of Arbitration to go so far as to say that the right of catching lobsters on the French Shore does not belong to the French by virtue of the Treaties, whereas we have always contended that we have on the coasts reserved to us the most absolute right of fishery, and that we may be neither impeded nor molested by any one in the exercise of this right; hence we are making an imprudent concession in submitting to arbitration the question of lobster factories.

It was answered that, however contrary to the Treaties the contention of the British Government might appear, that contention nevertheless exists, that this fact must be recognized, and that there is no other means of solving the difficulty than that which is proposed, namely, the decision of a Tribunal of Arbitration.

It was added, moreover, that France, who feels sure of her right, cannot fear to submit it to the judgment of Arbitrators whose high probity and scientific knowledge afford the most valuable guarantees.

Indeed, it must not be forgotten that, besides the Treaties in force, there are the Treaties, which may be appealed to on points of interpretation, which Newfoundland would not accept, but which England signed, and that in one of them, that of 1857, the exclusive right of the French on the French Shore is recognized at every line.

The Treaty of 1885 also is not legally applicable, in consequence of the refusal of the Legislature of Newfoundland to accede to it, yet the Minister for Foreign Affairs of Great Britain, in a note addressed to M. Waddington on the 24th November, 1886, expresses the hope that the French Government will apply that provision of the Treaty which stipulated that all the lobster factory establishments actually existing should be maintained until the settlement of the Fishery question.

What fear is there that a Court of Arbitration will not, like England herself, refer to the Conventions signed between the two Governments, for the purpose of ascertaining

what has been their common interpretation in regard to the rights reserved to France in Newfoundland?

The subsequent Articles were then examined by the Commission. Articles II and IV alone gave rise to observations which seemed to call for explanations from the Government, and the Ministers of Foreign Affairs and Marine were requested to be good enough to come before the Commission in order to give them.

They readily responded to its request, and the objections to the 1st Article, which allows the submission to the Arbitrators of the right of the French to catch lobsters on the coasts of which they have full and complete use during the fishery season, as the Ministers have often stated in the tribune, were restated in their presence with much force.

No doubt, it was said, England puts forward claims of a contrary nature, and they have to be taken into account; thus a Conventional arrangement between the two States would be intelligible, an arrangement by which each of them would renounce a portion of its claims in order to remove all difficulties. But a Treaty of such a kind would be submitted to the Chambers, who would estimate the importance of the concessions asked for, whereas an arbitration implies that our rights may be contested and denied: and we ought not to consent to this.

The Minister for Foreign Affairs answered that England and France have always striven to prevent any bitterness from being imparted to the question, but that it is otherwise with the Colony of Newfoundland, which would like to force the hand of the mother-country, and induce her to contest our rights. Has not an indemnity also been spoken of with a view to obtain our renunciation of those rights? But we would not listen to any proposals made to us to this effect.

Nevertheless, we must try to avoid causes of irritation. British lobster factories were erected on the French Shore some twenty years ago; we did not in the first instance demand that they should be abolished; and some time afterwards, when the French wished to set up similar establishments, England denied their right to do so, maintaining that we are not authorized to catch lobsters. Then a compromise was resorted to, by mutually allowing what had already been done to remain undisturbed.

But this state of things cannot continue for ever. How can it be put an end to? The two Powers thought of arbitration, but with this absolute reservation—that it shall not involve the principle of our rights established by the Treaty of Utrecht, and that it must be restricted to the question of the lobster factories.

As a matter of fact, we allowed the lobster factories to be erected; we cannot now go and destroy them without previous notice or warning. It is evident that some show of consideration, some delay, is required, so that their suppression may cause as little detriment as possible. An arbitration seems unavoidable for the purpose of adjudicating upon such questions.

But our principal interest in Newfoundland is the cod fishery, and for that we must have bait. When the inhabitants of the island sold it to us, we found that this plan was more profitable than to fish for it ourselves; but now that they can no longer sell it to us, we are obliged to go and catch it on the coasts which are reserved to us by the Treaties.

This is the principal matter in which we are interested at the present time, but it is possible that another may arise. The cod may diminish in numbers on the Great Bank, and become plentiful on the shores of the island; our rights are therefore of the highest importance, as they are likewise beyond all controversy.

It is for this reason that they do not come within the scope of the arbitration, which will only deal with the questions of principle respecting the catching of lobsters.

The Minister was careful to explain these words, "*questions of principle*." They had been inserted in the Convention in order to make it clear that the Arbitrators charged with the adjudication of the disputes between the two States shall not be competent to take cognizance of actions which might be brought by individuals, claims, for instance, for damages or indemnities.

With regard to Article II, a member asked whether England is resolved to impose on Newfoundland the execution of the decision of the Arbitrators.

The Minister replied that the British Cabinet had undertaken to have it executed. A Bill on this subject had been passed by the House of Lords, and would be submitted to the House of Commons after Whitsuntide. If the Bill was not passed, the Minister would not propose the ratification of the Arrangement to the President of the Republic.

The wording of the single Article of the Bill was specially intended to permit the Government only to pledge France definitively when they are certain that the decision of the Arbitrators will be executed.

A member called the attention of the Minister to the terms of Article IV, which empowers the Commission of Arbitration to deal with other subsidiary questions relative to

the fisheries on the coasts of Newfoundland, upon the text of which the two Governments shall have agreed.

He doubted whether this Article would not permit of the submission to the Commission of very grave questions respecting the fisheries which might compromise the rights of France.

The Minister replied that it may, perhaps, be the intention of England to extend the arbitration and to submit to it certain points which might affect our rights, but that as the two Governments would have to agree upon the questions to be placed before the Arbitrators, he would take the greatest possible care that only the question of the lobster fishery should be submitted to them.

The words, "*subsidiary questions relative to the fisheries*," were considered by him to refer to points which were settled in the Treaties of 1857 and 1885, such as the breadth of the French Shore between high-water mark and the interior of the island, the use of traps or other similar fishing implements, &c. As to the actual basis of our rights, it would be rigorously reserved.

A member observed that the population of Newfoundland is not hostile to us, but is, on the contrary, animated by friendly sentiments towards us; that the inhabitants on the coast of Fortune Bay, who were in the habit of selling us bait, protest against the measure which has forbidden them to sell it, and that they are very far from calling for our expulsion. It was a small group of merchants and ship-owners who had combined against our fishermen, especially on account of the bounties which the latter receive from the State, and which enable them to carry on an advantageous competition with the British fishermen.

The Minister thought that the traders of Newfoundland certainly did complain, more particularly of our bounties, and that they are trying to procure similar privileges from England, but he did not think that they would succeed.

The Minister of Marine concurred in the observations of his colleague, and asked the Commission to approve the Convention of Arbitration, reminding them of all the difficulties which arise from day to day, any of which might have grave consequences.

The majority of your Commission share his opinion, and it is in order to prevent these contingencies that, convinced of the rights of France, but confident in the Arbitrators who will have to adjudicate, they ask you to leave to them the task of solving the questions of comparatively secondary importance which are to be submitted to them.

In consequence, Gentlemen, we have the honour to propose to you to adopt the Bill in the form in which it has been presented to you by the Government.

Bill.

Sole Article.—The President of the French Republic is authorized to ratify and, if need be, to carry out the Arrangement respecting the Newfoundland fisheries concluded on the 11th March, 1891, between France and Great Britain, of which one copy shall remain annexed to the present Act.

Arrangement respecting the Newfoundland Fisheries, concluded March 11, 1891, between France and England.

No. 3.

M. Waddington to the Marquis of Salisbury.—(Received May 28.)

M. le Marquis,

Londres, le 28 Mai, 1891.

SUIVANT le désir que vous m'avez exprimé hier, j'ai fait savoir à M. le Ministre des Affaires Étrangères que le Parlement de Terre-Neuve avait décidé d'adopter un Bill conforme à celui que proposait le Gouvernement de Sa Majesté la Reine, mais dont les effets ne s'étendraient pas au delà de trois années; j'ai ajouté que le Gouvernement de Sa Majesté était disposé à accepter cette solution. J'ai prié, en même temps, M. Ribot de me mettre à même de vous faire part le plus tôt possible des observations que lui suggérerait cette communication.

M. le Ministre des Affaires Étrangères vient de confirmer entièrement l'impression que je n'avais pas dissimulée hier à votre Seigneurie, et pense comme moi que la

question ne nous concerne pas, et regarde exclusivement le Gouvernement Britannique. Nous ne pouvons que nous borner à demander que les mesures soient prises du côté du Gouvernement Anglais, comme elles le seront du nôtre, pour assurer d'une façon permanente l'exécution des décisions arbitrales. Or, puisque vous avez bien voulu nous demander notre sentiment, il est clair qu'une Loi provisoire devant prendre fin en 1893 n'assurera rien après cette échéance. Et je ne vois pas comment, en présence d'une pareille incertitude, nous pourrions procéder à l'échange des ratifications de notre arrangement.

Votre Seigneurie m'a laissé entendre, il est vrai, qu'on pourrait d'ici à la fin de 1893 chercher à organiser des Tribunaux dont l'action serait substituée à celle des officiers de la marine Anglaise; mais, sans entrer dans l'examen de cette question, je dois vous faire observer que le jugement des contestations auxquelles peut donner lieu l'exécution d'un acte international n'est de la compétence ni des Tribunaux Anglais ni des Tribunaux coloniaux.

Je ne puis donc que renouveler auprès de votre Seigneurie les réserves que je lui ai exprimées hier, et appeler son attention sur l'impossibilité où nous serions de ratifier définitivement la Convention d'Arbitrage si le Gouvernement Anglais ne prévoit les moyens d'en assurer l'exécution que d'une façon momentanée.

Veillez, &c.

(Signé) WADDINGTON.

(Translation.)

M. le Marquis,

London, May 28, 1891.

IN compliance with the wish which you yesterday expressed to me, I informed the Minister for Foreign Affairs that the Newfoundland Parliament had decided to adopt a Bill similar to that proposed by Her Majesty's Government, but that it would not take effect for a longer period than three years; I added that Her Majesty's Government were disposed to accept this solution. At the same time, I requested M. Ribot to enable me to acquaint you as soon as possible with any observations which this communication might suggest to him.

The Minister for Foreign Affairs has now entirely confirmed the impression, which I did not conceal from your Lordship yesterday; and he thinks, with me, that the question does not concern us, but affects exclusively the British Government. We must confine ourselves to asking that steps will be taken on the part of the British Government, as they will be on ours, to insure the permanent execution of the Arbitrators' decisions. But it is plain, since you have been so good as to ask us for our view, that a provisional Law, which is to lapse in 1893, will insure nothing after that period. And I do not see how, with such an uncertain prospect before us, we could proceed to exchange the ratifications of our arrangement.

It is true that your Lordship gave me to understand that, from now to the close of the year 1893, an effort might be made to organize Tribunals, whose operation should be substituted for the action of the officers of the British navy. But without entering upon an examination of this question, I must point out that the decision of controversies which may arise under the execution of an international agreement falls within the competency neither of English nor of Colonial Tribunals.

I can therefore only repeat to your Lordship the reservations to which I gave expression yesterday, and call your attention to the fact that it would be impossible for us to ratify definitively the Arbitration Convention, if the British Government cannot find means to provide for its execution other than in a temporary manner.

I have, &c.

(Signed) WADDINGTON.

No. 4.

The Earl of Lytton to the Marquis of Salisbury.—(Received May 30.)

My Lord,

Paris, May 29, 1891.

I HAVE the honour to inform your Lordship that, as reported in my despatch of the 12th instant, the Senate passed on the previous day the Bill to sanction the Newfoundland arrangement of the 11th March last.

The Minister for Foreign Affairs laid the Bill before the Chamber of Deputies upon the 14th instant, and it was thereupon ordered to be printed, distributed, and

referred to the Bureaux of the Chamber, but no announcement of their Report has, as yet, appeared.

I have, &c.
(Signed) LYTTON.

No. 5.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur,

Foreign Office, June 1, 1891.

I HAVE the honour to acknowledge the receipt of your letter of the 28th ultimo, which reached me late on that evening. On the previous day I had mentioned to you that the Newfoundland Legislature had passed an Act enforcing the award to be delivered by the Arbitrators in the lobster questions, which was in its terms satisfactory to Her Majesty's Government. We regretted that it was made terminable in December 1893, but as the interval thus secured would give full time for any Imperial legislation that might become necessary if the Act was not renewed by the Colony, we were disposed to accept their proposals for the present. We should, I said, probably carry the Bill before Parliament to a second reading, but not press it any further unless some new conditions arose. I was careful in mentioning these circumstances to observe that I was not asking your Excellency for an opinion, but had informed you of them as soon as they had been brought to my knowledge, inasmuch as they originated with the recent Convention between Great Britain and France, and I wished to give you the opportunity of making any observations on them that seemed to you desirable. I understood you to reply that the matter was one which did not concern France, for she looked to Great Britain for a fulfilment of her engagements, without caring to examine the process by which this result was arrived at; and in that view I entirely concurred. You promised, however, to convey to me any observations which M. Ribot might make to you on the matter.

The note which I now have the honour to acknowledge was, therefore, so far a surprise to me, that it appears to treat these circumstances as matters which were of such interest and concern to France, that the French Government contemplated making them the ground for refusing to ratify the Convention. This estimate of the position which has been created for the two countries by the circumstances under review I am unable to accept.

I prefer, what I understood to be your Excellency's earlier view, that France was concerned only with the result, not with the measures of internal policy by which the result was accomplished. It is no matter of interest to France whether we secure the execution of the engagements we have signed by one statute of permanent operation, or by an infinite series of statutes annually renewed. Much of our most important legislative business is done in the latter way. Many of our taxes, most of our expenditure, the very existence of our army and navy, and the whole of the jurisprudence by which military and naval discipline is maintained, the most important part of our electoral system—all these things depend entirely upon annual legislation. If, therefore, we elected to execute our engagements with France in the same manner, we should only be treating them as we treat many of our own most vital interests.

But it is unnecessary to dwell further upon this point, as the situation has been considerably modified by the events which took place on the same evening as that on which your Excellency's letter was written. The House of Commons, in lieu of proceeding to the second reading of the Bill, has passed a Resolution which must set at rest any doubt that may have occurred to M. Ribot's mind as to the intentions of Parliament. It is to the following effect:—

"This House having been informed that a satisfactory Act has now passed the Legislature of Newfoundland, and declaring its readiness to support the Government in taking all measures necessary for carrying out the Treaty obligations of this country, and the arrangements for arbitration made with the Government of France in this matter, does not now proceed to the second reading of this Bill."

The above Resolution was moved by a statesman belonging to the party in opposition, and was accepted unanimously by the House. It distinctly pledges the House of Commons to make the requisite provision for fulfilling the engagements accepted by this country under the recent Convention, and therefore pledges it to concur in Imperial legislation for that purpose, if, in the year 1893, by any fault of

the Colony, Imperial legislation shall have become necessary. The engagement, indeed, constitutes a more solid security than would be furnished by a permanent Act, if it had been passed. An Act, however permanent in its scope, can be repealed as easily as it can be passed; but a Resolution pledging to any third party the future action of the House of Commons is an engagement of honour, which is certain to be observed, and which, in fact, has never been disregarded. The views of the House of Lords upon the same matter are sufficiently recorded in the passage of the Bill to which reference has been made.

I trust that the French Government will concur with that of Her Majesty's in the opinion that Parliament has approved of the Convention, and has given full security for its execution; and that as soon as it shall have been approved of by the Chamber in France, no reason will remain for any further postponement of the proceedings which are to be instituted before the Arbitrators.

I have, &c.
(Signed) SALISBURY.

No. 6.

The Earl of Lytton to the Marquis of Salisbury.—(Received June 5.)

(Extract.)

Paris, June 4, 1891.

WHEN I saw M. Ribot yesterday at the Quai d'Orsay, I found him in receipt of your Lordship's letter of the 1st instant to M. Waddington relative to the measures necessary to insure the execution of the arbitral decision as to the Newfoundland Lobster fisheries.

His Excellency said that this communication did not remove (in fact, he added, it rather increased) the embarrassing uncertainties of the position in which the French Government is placed by the substitution of temporary Colonial legislation, limited to a period of three years, for the permanent Act to which Her Majesty's Government had undertaken to obtain the assent of the Imperial Parliament for enforcing the award of the Arbitrators.

So long as the French Government had a well-founded assurance that the Government of Her Majesty possessed not only the will, but also the power, to insure the permanent enforcement of the award, it was, of course, in no wise concerned with the nature of any arrangements made for that purpose between the Imperial Government and the Government of Newfoundland. But no such assurance was to be found in the present temporary arrangement, whereby the duty of providing for the protection of French rights was practically transferred from the Imperial Government, which acknowledged them, to the Colonial Government, which denied and contested them. He warmly recognized and appreciated the scrupulous loyalty with which Her Majesty's Government had acted towards France in this matter up to the present moment; and, in illustration of it, he laid stress upon an assurance which, he said, M. Waddington had received from your Lordship, that you were prepared to make a Cabinet question of the passage through Parliament of the Bill now abandoned.

France could desire no stronger guarantee for the fulfilment of our engagements towards her than would have been furnished by that Bill, had it become law. But, instead of that Bill, she was now asked to be satisfied with a temporary Act, extorted with great difficulty, and only under the strongest possible pressure, from a Colonial Legislature notoriously reluctant to pass it, and supplemented by a Resolution of the House of Commons worded in the most general terms. If the Newfoundland Government was acting in good faith towards France, why did it object to a permanent measure? It could only object to such a measure because it was resolved that, so far as in it lay, nothing in the nature of French rights should have permanent protection or existence in Newfoundland.

The undisguised object of the Newfoundland Government was to evade the Treaty rights of France, and the terms of the *modus vivendi*, by every means in its power; to get rid altogether of the surveillance of the naval officers by whom these rights and terms were enforced, and to transfer the police of the fisheries entirely to the jurisdiction of the Colonial Courts. But in the impartiality of these Courts the French Government had no faith, and it could not assent to any arrangement which would have the effect of making the interpretation and enforcement of French rights dependent upon their decision.

I reminded M. Ribot that if the Newfoundland Government failed in the fulfilment of any obligations undertaken by it, Parliament stood pledged to the adoption of whatever measure the Imperial Government might, in that case, deem necessary for their enforcement.

To this, however, his Excellency replied, that the Newfoundland Government and Parliament made no secret of the calculation on which they acted in passing the three years' Act. Before the expiration of that Act a change of Government in England might bring into power the party which had espoused the cause of the Newfoundlanders against the present Cabinet, and thereby (notwithstanding all conventional disclaimers) against France.

That party had committed itself to the view put forward by the Newfoundland Government, that the jurisdiction exercised by naval officers in Newfoundland waters is an intolerable nuisance to the Colony, and that the police of the fisheries should, as soon as possible, be made over exclusively to the Colonial Courts.

The House of Commons is pledged, it was said, to the adoption of any Imperial Act which the English Government for the time being may hereafter introduce for the fulfilment of its international obligations in Newfoundland. But who could say what sort of an Act a future English Cabinet might deem necessary or sufficient for that purpose, or what interpretation might be placed on those obligations by a Cabinet whose members had, in opposition, committed themselves to the Newfoundland view of them?

On an international question of this kind, it was impossible for the French Government to place itself in a position of which all the permanent conditions were left indefinite and dependent upon the precise terms of an Act of Parliament not in existence.

In these circumstances, therefore, he could not now attempt to obtain the assent of the French Parliament to the arbitration arrangement. Such an attempt was rendered hopeless by the action of the English Parliament, and nothing seemed left to do but to prolong the *modus vivendi*, if possible, till more substantial guarantees could be obtained for giving permanent effect to the award of the Arbitrators.

From some words addressed by your Lordship to M. Waddington, which M. Ribot quoted to me, but which do not occur in your Lordship's reply to the French Ambassador's note, his Excellency appeared to have derived an impression that Her Majesty's Government had in contemplation some arrangement with the Newfoundland Government for doing away with the surveillance of the naval authorities, and placing the police of the fisheries entirely under the jurisdiction of the Colonial Courts.

I cannot recall the exact words read to me by his Excellency from a document which I supposed at the time to be your Lordship's note to M. Waddington of the 1st instant, but I told him that they did not appear to me to bear the construction he put on them. Hitherto, the action often incumbent on Her Majesty's naval authorities in Newfoundland waters for enforcing the terms of the *modus vivendi* had been insufficiently protected by law. It was therefore necessary to legalize the scope of the powers exercised by them for the above-mentioned purpose, and whether this result was effected by Colonial or Imperial legislation was a matter that could not concern the French Government.

M. Ribot said that was undoubtedly the case. But the French Government would be seriously concerned by the transfer of judicial functions in reference to fishery disputes, under the *modus vivendi* or the arbitral award, from the naval authorities to the Colonial Courts, and he trusted that no such proposal would be entertained by Her Majesty's Government.

I gathered from the whole tenour of his remarks that this is the point on which his mind is most exercised.

No. 7.

M. Waddington to the Marquis of Salisbury.—(Received June 8.)

M. le Marquis,

Londres, le 7 Juin, 1891.

J'AI l'honneur de vous accuser réception de la lettre que votre Seigneurie a bien voulu m'écrire le 1^{er} Juin et que j'ai communiquée sans retard à M. le Ministre des Affaires Étrangères. M. Ribot vient de m'inviter à vous faire part des observations que la lecture de cet important document lui a suggérées.

M. Ribot se rend parfaitement compte des difficultés en présence desquelles s'est trouvé le Gouvernement de Sa Majesté pour assurer l'exécution de l'arrangement du 11 Mars, mais il ne peut s'empêcher de regretter aussi bien que votre Seigneurie que le Bill présenté par Lord Knutsford et voté par la Chambre des Lords n'ait pas reçu force de loi par le vote de la Chambre des Communes. En effet c'est la première fois qu'en Angleterre on s'écarte de l'ancienne et constante pratique de confier au Gouvernement des pouvoirs permanents pour l'exécution des arrangements internationaux. Sans chercher à examiner ici l'origine première ou la portée actuelle de lois importantes telles que le "Mutiny Bill," qui sont renouvelées annuellement, je me bornerai à faire remarquer à votre Seigneurie que ces actes du Parlement, si importants qu'ils soient, sont tous d'ordre intérieur. Au contraire, il a toujours été reconnu que les Conventions internationales, souvent si difficiles à conclure, doivent être sanctionnées une fois pour toutes, et que les Gouvernements doivent être munis de pouvoirs permanents pour les exécuter. En effet il est de l'intérêt évident des deux pays contractants de ne pas renouveler périodiquement des débats qui peuvent soulever des questions irritantes.

M. Ribot, en présentant l'arrangement du 11 Mars à l'approbation du Sénat, avait pu affirmer l'engagement catégorique pris par les Ministres de la Reine d'assurer, d'une façon permanente, l'exécution de notre accord. Il est nécessaire qu'il puisse faire la même déclaration à la Chambre des Députés à laquelle l'arrangement est actuellement soumis.

Il est vrai que la Résolution votée à l'unanimité par la Chambre des Communes a consacré l'engagement pris par le Gouvernement de Sa Majesté vis-à-vis du Gouvernement de la République, et la haute assemblée s'est déclarée prête à soutenir le Gouvernement de Sa Majesté dans toutes les mesures nécessaires pour assurer l'exécution des Traités et des Arrangements conclus avec la France. Il va sans dire que nous apprécions à toute sa valeur une Résolution conçue dans ces termes et que nous la considérons, suivant l'expression même de votre Seigneurie, comme un engagement d'honneur. Mais il n'en reste pas moins une grave question d'interprétation à résoudre et je suis persuadé qu'il est de l'intérêt des deux pays de ne point la laisser dans le vague. Cette question je l'ai déjà posée à votre Seigneurie, mais M. Ribot m'invite à la préciser : Devons-nous comprendre la Résolution votée par la Chambre des Communes et acceptée par le Gouvernement de Sa Majesté en ce sens, que le Parlement Impérial s'est engagé à voter, à défaut du Parlement Colonial, un Bill identique en ses effets à celui dont l'avait saisi Lord Knutsford, c'est-à-dire, à donner au *Gouvernement Anglais seul* les moyens permanents de faire exécuter les Traités avec la France et l'Arrangement du 11 Mars.

En effet, ainsi que j'ai déjà eu l'honneur de vous le faire remarquer, nous ne pouvons reconnaître aux autorités ou aux Tribunaux de Terre-Neuve le droit de se mêler d'affaires internationales. C'est avec le Gouvernement Anglais seul que nous avons traité et c'est de lui seul que nous attendons, en ce qui le touche, l'exécution de nos accords.

Je prie votre Seigneurie de me fournir sur ce point spécial les explications qui sont nécessaires à M. Ribot, afin de se mettre en mesure de demander le plus tôt possible à la Chambre des Députés l'approbation de notre Arrangement du 11 Mars.

Veillez, &c.

(Signé) WADDINGTON.

(Translation.)

M. le Marquis,

London, June 7, 1891.

I HAVE the honour to acknowledge the receipt of the letter which your Lordship was good enough to address to me on the 1st June, and which I at once communicated to the Minister for Foreign Affairs. M. Ribot has instructed me to convey to you the observations which a perusal of this important document has suggested to him.

M. Ribot fully realizes the difficulties which Her Majesty's Government have experienced in providing for the carrying out of the arrangement of the 11th March, but he cannot help regretting, with your Lordship, that the Bill introduced by Lord Knutsford, and passed by the House of Lords, was not made law by the vote of the House of Commons. It is indeed the first time in England that an exception has been made to the ancient and regular custom of conferring on Government permanent powers for carrying out international arrangements. Without attempting here to examine the origin and actual scope of important Laws such as the "Mutiny Bill,"

which are renewed annually, I shall confine myself to pointing out to your Lordship that these Acts of Parliament, however important they may be, are all questions of internal policy. On the other hand, it has always been recognized that international Conventions, often so difficult to conclude, should be sanctioned once for all, and that Governments should be furnished with permanent powers for their execution. It is indeed the evident interest of the two contracting countries not to renew periodical discussions which tend to raise vexatious questions.

In introducing the arrangement of the 11th March for the approval of the Senate, M. Ribot was able to announce the categorical engagement undertaken by Her Majesty's Ministers to insure, in a permanent manner, the carrying out of our Agreement. It is necessary that he should be able to make the same declaration in the Chamber of Deputies, before whom the arrangement has now been laid.

It is true that the Resolution unanimously passed by the House of Commons has confirmed the engagement undertaken by Her Majesty's Government towards the Government of the Republic, and that Assembly has declared itself willing to support Her Majesty's Government in all measures necessary to insure the carrying out of the Treaties and arrangements concluded with France. It is unnecessary to say that we appreciate at its full value a Resolution couched in these terms, and consider it, as described by your Lordship, to be an engagement of honour. But, nevertheless, there remains a grave question of interpretation to be solved, and I am convinced that it is in the interest of both countries not to leave it unsettled. This question I have already put before your Lordship, but M. Ribot wishes me to formulate it precisely: Are we to understand the Resolution passed by the House of Commons, and accepted by Her Majesty's Government, in this sense: that the Imperial Parliament binds itself, in the event of default on the part of the Colonial Parliament, to pass a Bill identical in its effects with that introduced by Lord Knutsford, that is to say, to give the *English Government alone* permanent means of carrying into execution the Treaties with France and the Arrangement of the 11th March?

The fact is, as I have already had the honour to point out to you, that we cannot recognize the right of the authorities or Tribunals of Newfoundland to intervene in international affairs. It is with the English Government alone that we have negotiated, and it is from them alone that we expect, so far as concerns them, the execution of our agreements.

I beg that your Lordship will furnish me with the necessary explanations on this particular point, in order that M. Ribot may be in a position to request from the Chamber of Deputies at the earliest moment their approval of our Arrangement of the 11th March.

I have, &c.
(Signed) WADDINGTON.

No. 8.

The Marquis of Salisbury to the Earl of Lytton.

My Lord,

Foreign Office, June 8, 1891.

I HAVE received and laid before the Queen your Excellency's despatch of the 4th instant, reporting your conversation with M. Ribot on the previous day respecting the Newfoundland Fisheries question.

M. Waddington informs me that, as soon as he has received M. Ribot's reply to the note which I addressed a week ago to the Ambassador, he will come to me to explain the views of his Government.

Under these circumstances, I will not at present reply to your Excellency's despatch.

But there is one misconception into which M. Ribot has fallen, and which it is desirable I should correct without delay. He stated to your Excellency that I had undertaken that Her Majesty's Government would make a Cabinet question of the Bill on the Newfoundland arbitration, which was introduced by Lord Knutsford into the House of Lords. In this his Excellency is entirely mistaken. The only statement of mine which can have given rise to such a misunderstanding was a remark to M. Waddington, to the effect that we should look upon the approval of Parliament to the Convention which we were about to sign as indispensable to the existence of the

Ministry. That approval we have received in the most formal manner. But I never pledged myself to attach that character to the passage of a particular Bill.

I am, &c.

(Signed) SALISBURY.

No. 9.

The Marquis of Salisbury to the Earl of Lytton.

My Lord,

Foreign Office, June 10, 1891.

THE French Ambassador called upon me to receive my answer to the letter of which a copy has been forwarded to your Excellency.

I stated to him that it appeared to me at first sight that M. Ribot had entered upon the discussion of matters which were not properly the subject of international controversy at all. England had undertaken to execute the Award of the Arbitrators. To that undertaking, in any circumstances, and under any Government, she was bound, and France had the fullest right to require from her a performance of her pledge. But France had no right to investigate the municipal arrangements by which the performance of that international duty was secured. It was for us to make what arrangements we pleased, and in discussing those arrangements the members of our Legislature were at liberty to use what language they pleased. The machinery we employed, the political principles we followed, the doctrines we defended or attacked among ourselves, were purely a question for our own discretion, with which no other nation had any right to interfere. One right, and one right only, France had acquired by the Convention, and that was a right to the substantial and honest performance of the Award.

M. Waddington answered me that it was impossible France could omit to take notice of the unusual procedure which had been followed in England, of the statements which had been made in both Houses of Parliament, and especially the language that had been employed by the Opposition. They could not help deducing from it an intention on our part not to execute the Treaty or the Award ourselves, but to delegate the performance of it to a colonial Tribunal; and then when, as would certainly happen, colonial prejudice was allowed to interfere with the full performance of the Treaty, we should take refuge behind a Tribunal, and plead our Constitutional inability to influence its decisions. He insisted that France had to do with no Colony or Tribunal, but with us alone, and that, before they went on further with the arbitration, he had the right to receive an assurance that we concurred in that opinion.

I pointed out to his Excellency that, waiving for the moment our right to treat as unauthorized any foreign criticism upon the conduct of our own procedure in the framing of our own laws, his reasoning was open to the objection that it confounded together two very different considerations. I could understand, without in any way justifying it, the objection which France entertained to the decision upon these claims being left to any colonial authority. I thought that an Imperial authority would be more satisfactory. But his Excellency's words went much further than this objection. He did not merely demur to a colonial Tribunal, but to the intervention of any Tribunal at all. He appeared to require that the somewhat rough and ready procedure which our naval officers had hitherto been instructed to pursue was the one which France was entitled permanently to insist upon. We fully admitted that France had a right to require from us that we should fulfil the clause of the Convention engaging us to execute the Award. But we objected to the claim of the French Government to read the words, "by military law," into that engagement. What France, in fact, was requiring of us was that, for the purpose of insuring the rights of her subjects, we should maintain a permanent state of siege upon the Treaty Shore. This was a privilege which we gave to no rights of any persons in any parts of the world, and there was nothing in the Convention which justified France in claiming it.

I am, &c.

(Signed) SALISBURY.

No. 10.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur,

Foreign Office, June 26, 1891.

SINCE I received your Excellency's letter of the 7th instant I have had the opportunity on two occasions of conferring with you upon it, and am replying to it now in the light of the further observations which were made to me by your Excellency in those two conversations.

I understand that some of the communications which took place between Her Majesty's Government and the Ministers of Newfoundland, and some observations which were made upon this matter in the House of Commons, have left upon the mind of M. Ribot some apprehension that Her Majesty's Government were either not able or not willing to fulfil the engagement into which they have entered, that they will execute the Award of the Arbitrators appointed under the Convention of the 11th March. I will not enter into any discussion of the details which have attracted M. Ribot's observation, nor of the precise methods by which Her Majesty's Government propose to perform the duty which they have formally accepted. I abstain from doing so lest upon some other occasion, and under other circumstances, the precedent which would thus be set should be misinterpreted, and it might be thought that Her Majesty's Government had recognized the right of a foreign Power to criticize or take exception to the municipal arrangements by means of which they proposed to fulfil their international obligations. Any such admission on their part would, of course, be impossible, and therefore I think it better to avoid any formal explanation to your Excellency of the legislative or executive measures which the Convention of the 11th March may render necessary.

But I have great pleasure in assuring you that M. Ribot's apprehensions, derived from the reports of what has taken place in this country, lest Her Majesty's Government should not have the power or the will to fulfil the solemn promise which they have given to execute the Award, are absolutely without foundation. There is no danger that in this matter any obstacle will prevent a scrupulous observance on their part of the promises by which they have bound this country, or that they will devolve upon any other persons or authority whatever the responsibility of vindicating their good faith.

I have, &c.
(Signed) SALISBURY.

No. 11.

The Marquis of Salisbury to the Earl of Lytton.

(Extract.)

Foreign Office, July 15, 1891.

I ASKED M. Waddington how the Newfoundland arbitration stood. He replied that France had never thrown the slightest doubt upon the good faith of the British Government, but had only doubted its power to fulfil its engagements; and he asked me for some particulars with respect to the Bill which was being discussed with the Newfoundland Government upon the subject of the appointment of Tribunals for the Treaty Shore, I replied that it was very doubtful whether any Bill would be agreed upon between Her Majesty's Government and that of Newfoundland, and that in 1893 I thought it would probably be necessary for the Government of the day to pass an Imperial Act to carry out the engagements with France. But I entirely demurred to the right of the French Government to look behind the engagement of Her Majesty. We had the will and we had the power to execute our engagements, but the mode in which we did so was not a matter concerning which we could enter into explanations. At the same time, I pointed out to him again, as I had already observed in my letter to him, that the action of the House of Commons was in truth in fuller satisfaction of our engagements under the Convention of March than any Bill could have been. An Act when passed is always liable to be repealed; and there is nothing in its passage which makes that repeal dishonourable or unusual. But a Resolution such as that passed by the House of Commons is an honourable pledge, and from a pledge of that kind the House of Commons has never been known in its history to recede. The security to the French Government is therefore greater than if we had passed the Bill which we carried through the House of Lords.

No. 12.

The Marquis of Salisbury to Mr. Phipps.

Sir,

Foreign Office, March 19, 1892.

YOU are aware that the arrangement for referring to arbitration the questions in dispute respecting the catching and preservation of lobsters on the Treaty Shore of Newfoundland has received in principle the approval of the British Parliament. It has also received the sanction of the French Senate, but it has not yet been brought before the Chamber of Deputies.

I understand that the French Government are deferring any steps for the latter purpose until they have been able to satisfy themselves that adequate legal provision has been made by the Newfoundland or Imperial Legislature for carrying into effect the Arbitral award.

A measure for this purpose is about to be laid before the Newfoundland Chambers, but, in the meanwhile, the fishing season is rapidly approaching, and some provisional arrangements will again be requisite before the arbitration can be brought to an issue.

I should wish you to draw M. Ribot's attention to the matter, and to inquire whether the French Government desire that the *modus vivendi* of last year should be renewed for the ensuing fishing season, in which case it would be desirable that the renewal should be speedily settled and made public.

I am, &c.

(Signed) SALISBURY.

No. 13

The Marquis of Dufferin to the Marquis of Salisbury.—(Received March 25.)

My Lord,

Paris, March 24, 1892.

IN obedience to the instructions contained in your Lordship's despatch of the 19th March, that I should inquire whether the French Government desired that the *modus vivendi* adopted last year for the Treaty Shore of Newfoundland should be renewed for the ensuing fishing season, I this day drew M. Ribot's attention to the matter, and received from his Excellency an answer in the affirmative.

I have, &c.

(Signed) DUFFERIN AND AVA.

No. 14.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur,

Foreign Office, April 4, 1892.

IN pursuance of verbal communications which have passed between your Excellency and me, I have the honour to propose that the *modus vivendi* of 1890 relative to the catching and preparation of lobsters, which was renewed purely and simply for the fishing season of last year, should again be renewed in the same manner for the fishery season of the present year.

I should esteem it a favour if your Excellency would notify to me the consent of your Government to this arrangement, if accepted by them, in which case Her Majesty's Government will consider the exchange of notes as an agreement between the two Governments, and will give the necessary directions to carry it into execution on behalf of Great Britain.

I have, &c.

(Signed) SALISBURY.

No. 15.

The Marquis of Dufferin to the Marquis of Salisbury.—(Received April 5.)

My Lord,

Paris, April 4, 1892.

WITH reference to my despatch of the 24th ultimo, I have the honour to transmit to your Lordship herewith copy of a note which I have received from M. Ribot formally agreeing to the renewal, for the coming fishing season, of the *modus vivendi* adopted last year regarding the Newfoundland fisheries.

Your Lordship will observe that, in making this communication, his Excellency expresses the hope that the necessary instructions will be sent without delay to the British naval authorities in the Newfoundland waters.

I have, &c.

(For the Marquis of Dufferin),

(Signed) E. C. H. PHIPPS.

Inclosure in No. 15.

M. Ribot to the Marquis of Dufferin.

M. l'Ambassadeur,

Paris, le 2 Avril, 1892.

VOTRE Excellence a bien voulu me faire savoir, dans l'entretien que j'ai eu avec elle le 23 du mois dernier, que le Gouvernement Britannique était disposé à renouveler pour la prochaine saison le *modus vivendi* relatif à la pêche du homard à Terre-Neuve.

Ainsi que j'ai eu l'honneur de vous en informer verbalement, le Gouvernement de la République est prêt également à appliquer les dispositions de cet arrangement. Les deux Cabinets se trouvant d'accord sur ce point, j'ai l'honneur d'adresser à votre Excellence la présente communication en vue de constater l'entente établie; je lui serai reconnaissant de m'en accuser réception et de prier le Gouvernement de Sa Majesté de vouloir bien, comme nous le faisons nous-mêmes, adresser sans retard les instructions nécessaires aux autorités navales dans les eaux de Terre-Neuve.

Agréez, &c.

(Signé) RIBOT.

(Translation.)

M. l'Ambassadeur,

Paris, April 2, 1892.

YOUR Excellency was good enough to inform me, in the interview which I had with you on the 23rd ultimo, that the British Government was ready to renew for the coming season the *modus vivendi* relating to the Newfoundland lobster fishery.

As I had the honour to state to you verbally, the Government of the Republic is equally willing to carry out the provisions of that Arrangement. The two Governments being thus agreed on this point, I have the honour to address the present communication to your Excellency in order to record the agreement arrived at. I shall be obliged if your Excellency will acknowledge its receipt, and request Her Majesty's Government to send, without delay, as we are doing ourselves, the necessary instructions to the naval authorities in Newfoundland waters.

I have, &c.

(Signed) RIBOT.

No. 16.

M. Waddington to the Marquis of Salisbury.—(Received April 5.)

M. le Marquis,

Londres, le 4 Avril, 1892.

J'AI reçu la lettre en date de ce jour par laquelle votre Seigneurie veut bien me proposer de renouveler purement et simplement pour l'année 1892, ainsi que cela a été fait l'année dernière, le *modus vivendi* de 1890 relatif à la pêche et à la préparation du homard à Terre-Neuve.

Je m'empresse de faire savoir à votre Seigneurie que mon Gouvernement consent au renouvellement de cette Convention, et j'accepte en son nom de considérer le présent

échange de notes comme une constatation officielle de l'accord des deux Governments à ce sujet.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

M. le Marquis,

London, April 4, 1892.

I HAVE received the note of to-day's date by which your Lordship proposes to renew purely and simply, for the year 1892, in the same way as was done last year, the *modus vivendi* of 1890 relative to the catching and preparation of lobsters in Newfoundland.

I hasten to acquaint your Lordship that my Government agrees to the renewal of this Convention, and I undertake, in its name, to consider the present exchange of notes as an official record of the understanding arrived at by the two Governments on this subject.

I have, &c.
(Signed) WADDINGTON.

No. 17.

The Marquis of Salisbury to the Marquis of Dufferin.

My Lord,

Foreign Office, April 6, 1892.

WITH reference to your Excellency's despatch of the 4th instant, I transmit herewith, for your information, copies of notes which I have exchanged with the French Ambassador,* arranging for the renewal for the approaching fishery season of the *modus vivendi* of 1890, relative to the catching and preparation of lobsters.

I have to request your Excellency to inform the French Government that steps will at once be taken to carry out this arrangement.

I am, &c.
(Signed) SALISBURY.

No. 18.

Colonial Office to Foreign Office.—(Received May 17,)

Sir,

Downing Street, May 17, 1892.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of two telegrams from the Governor of Newfoundland respecting the proceedings in the Legislative Assembly on the motion for the second reading of the Treaties Bill.

The Governor has been desired by telegraph to send home as soon as possible a full report of the debate and proceedings on the motion for the second reading.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 18.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.)

(Received May 13, 1892, 3.40 P.M.)

TREATIES BILL introduced last night. Prime Minister, Speaker of House in favour; Morine and Colonial Secretary against it.

Following amendment proposed by Colonial Secretary: Operation of Local Act to be extended by two years.

Debate adjourned.

Inclosure 2 in No. 18.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.)

May 14, 1892, 1.55 P.M.

TREATIES BILL rejected last night by 23 to 8.

No. 19.

The Marquis of Salisbury to the Marquis of Dufferin.

My Lord,

Foreign Office, May 24, 1892.

M. WADDINGTON called my attention to the rejection by the Newfoundland Legislature of the Bill for establishing a jurisdiction upon the "Treaty Shore" for the execution of the Treaties between France and England, and he urged that as the effort to obtain the requisite legislation from the Newfoundland Assembly had failed, we were bound to fall back now upon Imperial legislation.

I replied that I could not admit that anything in the Arbitration Agreement of last year gave to the French Government the right to ask for any fresh legislation in respect to the Tribunals by which the Treaty rights would be carried out. They were entitled to demand that we should carry into execution whatever the Arbitrators should determine to be the sense of the Treaties between the two countries; but they had no right to inquire into the machinery, legislative or forensic, by which this obligation was to be fulfilled. At the same time, I fully admitted that some such proposal as that which we had made last year was a matter of high expediency; and I much regretted that the House of Commons had not been disposed to carry through the legislation which we proposed. I feared that the state of public business was such as to make it exceedingly problematical whether any such legislation could be possible during the present Session. The Act, however, of the Newfoundland Legislature which was passed last year had provided for the execution of the *modus vivendi* up to the end of 1893, and therefore it would be possible next year to deal with the question of Imperial legislation, and no serious injury would be the consequence of deferring Parliamentary action to that time.

His Excellency was nevertheless very earnest that if it were possible we should make an effort to pass the required Bill during the present Session, and I promised to ascertain from my colleagues in the House of Commons whether there was any likelihood that such an effort would be successful.

I am, &c.
(Signed) SALISBURY.

No. 20.

The Marquis of Dufferin to the Marquis of Salisbury.—(Received May 27.)

My Lord,

Paris, May 25, 1892.

M. RIBOT complained to me to-day, in somewhat earnest terms, of the unwillingness manifested by Her Majesty's Government to apply to Newfoundland those coercive measures which were necessary to render effective the agreement to arbitrate which had been arrived at between France and England last year. He said that M. Waddington had informed him that your Lordship had dwelt upon the difficulties of introducing into the House of Commons so important a measure as that indicated upon the eve of a dissolution, and that he did not fail to appreciate the difficulties of your Lordship's Parliamentary position. But, for all that, he considered that he and his Government had reason to complain of the manner in which the question had been handled, as well as of the unsatisfactory result which had been reached.

I remarked that the legislation he referred to was of a very serious character, and that no Bill embodying the necessary provisions would have a chance of even reaching the preliminary stage under existing circumstances, and that your Lordship could not be expected to embark upon what would certainly be a futile and useless line of action, however anxious you might be to give effect to the arrangements contemplated by the Convention of 1891.

I have, &c.
(Signed) DUFFERIN AND AVA.

The Marquis of Salisbury to the Marquis of Dufferin.

My Lord,

Foreign Office, May 31, 1892.

M. WADDINGTON has urged upon me once or twice the importance of procuring the enactment during the present Session of Parliament of the Newfoundland Bill which we introduced last year, and which was suspended in the hope that some satisfactory colonial legislation might be substituted for it.

Although I regret that, for causes which are sufficiently known, it was not possible to pass that Bill through the House of Commons in the year 1891, I cannot admit that the French Government have any right of complaint upon that ground. The Bill was a valuable measure, and the enactment of some such provision by the Imperial Government may very probably prove to be necessary. But the French Government have no right to require it. As I observed more than once to the French Ambassador at the time, and to your Excellency's predecessor, the French Government do not derive from the Agreement of the 11th March, 1891, any title to inquire into the administrative machinery, or the legislative provisions, by which we propose to give effect to our engagements under that Convention. We have engaged to execute the decisions of the Commission of Arbitration. If we fail to do so, the French Government will have a just and strong right to make remonstrance and to obtain redress. But until we fail in the engagement we have made, they have no right to assume that we shall not keep it, or to criticise the preparations we are making for doing so.

We are perfectly ready to go on with the Arbitration so soon as it shall be ratified by the French Chamber. If the Arbitrators should decide in our favour, we can have no difficulty in executing their decisions. If the Arbitrators shall decide against us, Her Majesty's Government will scrupulously observe the Agreement which they have signed; and the legislative arrangements, if any, necessary to enable them to do so will receive the sanction of Parliament. We should have a right to make this assumption in any case, but in the present case we can make it with increased certainty; inasmuch as an undertaking to that effect has been placed upon its journals by the House of Commons.

I do not think it is probable that any legislation on this subject can be passed during the present Session; but as there is no chance of the Arbitration being finished before the conclusion of the Session, the obligation under which we lie under the Agreement of the 11th March will not arise.

I am, &c.
(Signed) SALISBURY.

FRANCE. No. 2 (1892).

FURTHER CORRESPONDENCE respecting the
Newfoundland Fisheries: 1891-92.

*Presented to both Houses of Parliament by Com-
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[C.—6857.—17.]

COLONIAL REPORTS.

The following, among other, Reports relating to Her Majesty's Colonial Possessions have been issued, and may be obtained for a few pence from the sources indicated on the title page :—

ANNUAL.

No	Colony.	Year.
31	Lagos - - - - -	1889
32	Lagos - - - - -	1890
33	Ceylon - - - - -	"
34	Newfoundland - - - - -	"
35	Jamaica - - - - -	1889-91
36	Victoria - - - - -	1890
37	British New Guinea - - - - -	1890-91
38	St. Vincent - - - - -	1891
39	Bermuda - - - - -	"
40	Seychelles and Rodrigues - - - - -	1889 and 1890
41	Gambia - - - - -	1891
42	Barbados - - - - -	"
43	Turks Islands - - - - -	"
44	Bahamas - - - - -	"
45	Fiji - - - - -	1890
46	Seychelles - - - - -	1891
47	British Bechuanaland - - - - -	1890-92
48	Malta - - - - -	1890 and 1891
49	Gibraltar - - - - -	1891
50	Falkland Islands - - - - -	"
51	Leeward Islands - - - - -	"
52	Grenada - - - - -	"
53	St. Lucia - - - - -	"
54	Labuan - - - - -	"
55	British Guiana - - - - -	"
56	Zululand - - - - -	"
57	Mauritius - - - - -	"
58	Lagos - - - - -	"
59	Straits Settlements - - - - -	"
60	Ceylon - - - - -	"
61	Natal - - - - -	1891-92
62	Basutoland - - - - -	"
63	St. Helena - - - - -	1891
64	Sierra Leone - - - - -	"
65	Jamaica - - - - -	1891-92
66	Trinidad and Tobago - - - - -	1891

MISCELLANEOUS.

No.	Colony.	Subject.
1	Gold Coast - - - - -	Economic Agriculture.
2	Zululand - - - - -	Forests.

No. 67.

NEWFOUNDLAND.

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(For Report for 1890 see Colonial Report [Annual] No. 34.)

Sir TERENCE O'BRIEN to the MARQUESS OF RIPON.

Government House, St. John's,
December 26, 1892.

MY LORD MARQUESS,

IN forwarding for your Lordship's information the Blue Book returns for 1891, as well as the Colonial Secretary's Report thereon, I find there is little calling for special remarks by me beyond that, while I fully agree with Mr. Bondas to the detrimental effect on our trade of the markets of the United States being closed to us, through the action of Canada, I do not consider the falling off of the Lobster Fishery to be so much due to the action of the Treaties with France, though of course it had its influence, as to over-fishing, as I have been assured by some of our naval officers that, whereas three years ago on the treaty shore from two to three of these creatures sufficed to fill a tin, it now takes five or six or even more to do so, thus rendering the efforts of our Fishery Commission in artificial propagation of this crustacea a matter of paramount importance to this Colony.

I much regret that among our losses through the fire in St. John's of July last, so much of the information for the census, then in an advanced state of preparation, should have been lost, a fact which, as I have already had occasion to report to you, my Lord, will, I fear, necessarily considerably delay the submission of these statistics to the Colonial Office.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Colonel,

The Most Hon.

Governo

The Marquess of Ripon, K.G.,

&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to forward you herewith the Blue Book of this Colony for the year 1891, for transmission to Her Majesty's Imperial Government.

I 74970. Wt. 10230.

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In connexion therewith, I have the honour to acquaint you with regard to—

THE GENERAL CONDITION OF THE COLONY,

that during the year under consideration the circumstances of our people were most prosperous. The exports from the Colony touched the highest point reached since 1881, and exceeded those of 1890 by over a million and a quarter of dollars. The imports were also in excess. \$500,000 more was expended in 1891 than in 1890 in purchasing those articles of foreign production required by our population.

The increase above referred to in the value of exports is greatest in the following articles :—

				Quintals.
Dry Codfish, 1890	-	-	-	1,040,916
" " 1891	-	-	-	1,244,834
				<hr/>
Increase	-	-	-	203,918
				<hr/>
				\$
Value, 1890	-	-	-	3,886,898
" 1891	-	-	-	4,864,525
				<hr/>
Increase	-	-	-	977,627
				<hr/>

and in seal skins and seal oil, the result of the seal fishery being in 1890 valued at \$556,426, and in 1891 at \$780,807, an increase of \$224,381. The above figures include imports direct to and exports from the Labrador.

It will be observed, in connexion with the exports of the Colony for 1891, that with the exception of the two articles above mentioned, and the product of our mines, which is dealt with below, the quantity of all the other articles of commerce exported from the Colony in 1891, falls below that of the same articles exported in 1890. In that year copper (green, regulus, and ingots), iron pyrites and antimony ore was exported to the value of \$300,300. In 1891 the export of the same articles realized \$626,000. Copper shows an increased production valued at \$339,058, while antimony and iron pyrites on the other hand evidence a reduction, the one of \$200 and the other of \$14,415. \$1,250 worth of selenite was exported in 1891. The output of our mines being thus more than double that of 1890.

Deposits in the Savings Bank in 1891 were greater than in 1890, the excess amounting to the sum of \$168,607.34. I may mention that the increase of 1890 over 1889 was \$107,303.38.

I have again much pleasure in calling attention to the entire absence of expenditure under the head of able-bodied pauper relief. The remunerative result of our industries, i.e., fishing, mining, lumbering, together with the employment given on

railway construction has no doubt brought about this desirable state of affairs. At no former period has the Colony exhibited a more prosperous condition.

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FINANCE.

The Revenue of the Colony for 1891 was \$820,205.80, exclusive of loans, an increase of \$365,669.42, which is accounted for, roughly, as follows, Customs increase, 1891, \$82,349. Interest on debt due by Municipal Council (an amount which was the result of several years non-payment of the yearly interest due) \$68,556. Purchase by the contractors of the work done and materials owned by the Government on Hall's Bay Railway prior to effecting the contract, \$196,856. Profit on issue of new coin, \$9,113. Insurance on Poor Asylum, paid into Treasury as a repayment, \$8,000.

In 1890 the gross Customs receipts amounted to \$1,342,100, in 1891 they reached \$1,424,449.

Public Debt.

By way of loan to the Colony on account of St. John's Municipal Council, the sum of \$143,135.06 was received, the residue of the loan under Act 54 Vict. c. 7, viz., \$9,934.48 was applied to the payment of Board of Works overdrafts which had been lying over from 1889. This loan, which amounted in all to \$153,069.54, was raised entirely in the Colony at 4 per cent. In speaking of addition to the capital account of the Colony, it will be necessary to note that under the contract for the construction of the Hall's Bay Railway payment is made to the contractors for each section of five miles completed, in Bonds of the Colony, bearing interest at $3\frac{1}{2}$ per cent. In 1891 railway construction cost \$1,014,000 and this, with the above-mentioned loan of \$153,069.54, together with \$18,096.34 on account of Rebuilding Acts, making in all the sum of \$1,185,165.88, has been added to the funded Public Debt of the Colony which, standing at the close of 1890 at \$4,138,627 amounted on the 31st December 1891 to \$5,223,363.71, the sum of \$100,429.66, accumulated profits at the Savings Bank for the last five years, and which the Act provides shall be applied to the reduction of the Public Debt, having been applied to the purpose specified.

To this funded debt must be added the following floating debt, *i.e.*, balance due by the Colony on current account 1891, \$212,667.83. Temporary loan due London Westminster Bank, \$664,800, making the total indebtedness of the Colony on the 31st December 1891 equal to \$6,100,831.54. It is only fair, however, to deduct from this the amount due by the St. John's Municipal Council, *i.e.*, \$850,984.54, which is guaranteed by the Newfoundland Government. The net debt would thus be \$5,249,847, or about 26 dollars per head of our population. To represent this indebtedness there are 92 miles of railway completed and in

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operation, 907 miles of telegraph, more than 600 miles of main roads, 39 lighthouses, and five fog alarms, besides the public buildings.

The expenditure for 1891 was \$1,831,432.43 including payments on account of the loan of \$153,069.54 which was applied to the services indicated by the Act. The more important heads of expenditure being Customs \$76,800, Education (Vote) \$140,000, Protection Fisheries \$54,780, Lighthouse maintenance \$43,830, interest on Public Debt \$235,950, Judicial and Police \$127,460, relief of poor \$217,867, postal \$64,133, railway subsidy \$50,644, roads, &c. \$122,834, steam communication \$138,835.

TRADE.

In the early part of the year a remarkably good seal fishery inaugurated a most successful season's trade. Business, which last year showed the first movements of a favourable reaction, received an impetus from the exceptionally good results of this fishery. A Labrador catch surpassing in quantity anything experienced for the last 20 or 25 years, and a general prosperity in other industries, kept up and further increased the activity in trade and commerce.

Produce to the amount of \$7,437,158 was exported from the Colony in 1891 as against \$6,099,686 in 1890, an increase of \$1,337,472. Partial details of these have already been given and they will be more fully enlarged upon under the heads of fisheries and mining, &c. Of importations it is to be said that, though like the exportations, they have increased, yet the increase has not been so great. In 1890 the figures were \$6,368,855, in 1891 \$6,869,458, an increase of \$500,603.

In 1891 we imported from Great Britain \$2,341,706 worth of goods and exported thereto \$1,966,581 worth of produce, an increase over 1890 of \$167,182 and \$452,450 respectively.

British Colonies—Imports therefrom, 1891, \$2,830,441, exports thereto \$1,428,558, an increase of \$44,904 of the one and \$180,872 of the other. Foreign countries—Imports therefrom, 1891, \$1,697,311, exports thereto, 1891, \$4,042,019, an increase of \$288,577 and \$704,150 respectively. With regard to details of imports, an increase will be noted in connexion with the following: flour (49,697 barrels), dried fruit (188,845 lbs.), kerosine oil (47,306 gals.), tea (19,867 lbs.), sugars (6,833 cwt.), o bacco (106,007 lbs.).

SHIPPING.

I am unfortunately unable to supply your Excellency with any information as to the movements of shipping in the Colony for the year 1891, all record books, MS. and printed, having been destroyed in the great fire of July 8th. A statement was, however, I think, furnished to the Board of Trade for inclusion in the Abstract. This was compiled before the fire and whilst the shipping accounts were in process of being printed.

In 1890 the total number of ships, &c. registered in the Colony was 2,207, measuring 98,619 tons. In 1891 the figures were respectively 2,222 and 94,583, an increase in number, but a decrease in tonnage.

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LEGISLATION.

Special attention may be called to some of the more important Acts passed during the Session of 1891.

The Postal Service Act, while enacting certain new legislation relative to the Postal Service, consolidates all former Acts passed with regard to this Department. Generally speaking it may be said that the Act assimilates the conduct of the Post Office Department of Newfoundland to that of Great Britain and of Canada.

Municipal Act.

St. John's Municipal Act makes the term of the Council's office three years instead of two, enlarges the franchise, gives plenary powers to the Council respecting matters affecting health and safety of inhabitants and construction and alteration of streets, side-walks, markets, &c. also to impose certain taxes.

Railway Purchase Act authorises the raising of a loan to purchase the Newfoundland Railway.

Newfoundland French Treaties Act.

This Act, after reciting the various treaties and the Modus Vivendi affecting the fisheries, declares that any Act done by Her Majesty's Officers in carrying out Her Majesty's orders for giving effect to treaty rights or to the Modus Vivendi, shall be lawful, and that parties refusing to obey lawful orders from Her Majesty's Officers, shall be liable to a fine of \$200.

Acts were also passed having reference to masters and servants, shipping, registration of births, &c., education, game, &c. These and the Acts more particularly referred to above will be more fully reported upon by H.M. Attorney General when submitting the printed copies.

EDUCATION.

Under this head I have very little to report beyond the increased Legislative Grant of \$20,000 to be applied as a bonus to teachers according to their grade; this grant, it is purposed, shall be continued yearly and it will doubtless prove of great help to a slenderly paid but exceedingly efficient body. As compared with 1890 there was an increase in the number of schools open and also in the attendance. In 1890 there were 545 schools open with an attendance of 31,822. In 1891 the figures were 552 and 33,094 respectively. The total expenditure under Legislative Grant was, in 1890, \$134,376, and the amount actually expended, including,

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in addition to the above grant, fees and voluntary contributions, was \$145,889.

FISHERIES.

With regard to this, the first and by far the most important of our industries, I am able to announce a most successful issue of last year's labours. The catch of Labrador, while not quite equal to that of last year, was, nevertheless, much above the average. The result of the shore voyage surpassed that of 1890. Unfortunately there was a serious falling off in the bank fishery, a failure only in part compensated for by an improved cure and a consequent increase in value. An important factor, affecting as it does the price realized by our staple product, is the proper cure thereof, and in this particular I am able to state that within the last two years a marked improvement has taken place. In 1891 the same good cure generally obtained. I regret to say, however, that much remains to be done in this respect if we desire to compete successfully with the clean and carefully prepared fish placed upon foreign markets by our Norwegian and French competitors. As to prices realized, I am unable to report satisfactorily. A variety of causes operated to keep these at an unusually low level. In the Brazil markets we were met by the unsettled state of the country and a consequent depreciation in the exchange. The same may be said of Portugal. In Spain the large stocks of French and Norwegian fish placed upon the market operated against the realization of quick sales, while the opening of the Italian market to a French-caught and bounty-fed article materially reduced our prospects of securing profitable prices. With regard to quantities it will be observed that the quantity of dry codfish exported in 1890 amounted to 1,040,916 quintals, valued at \$3,866,898, as against 1,244,834 quintals in 1891, valued at \$4,864,525 an increase of 203,918 quintals, valued at \$977,627. In connexion with this we note that though the production of 1891 was larger than that of 1890 the total value was nevertheless not in proportion to this increase, codfish realizing an average price of \$4.30 per quintal in 1890 while in 1891 the average was only \$3.97.

A short catch of lobsters was experienced, due primarily to complications on the Treaties Shore, which have to a great extent interfered with the fuller prosecution of this fishery on that portion of the Newfoundland coast where the French have assumed certain rights. Yet another reason may be given—the rules and regulations of the Fisheries Commission (legalized by the legislature) by establishing a close season, have doubtless considerably interfered with this industry; this will, however, be but temporary, and will eventually lead to the conservation of a fishery which would, in a short time, had no such protection been afforded, been entirely ruined from over-fishing.

The seal fishery for 1891 was unusually successful, the catch being 364,981 seals, yielding 4,478 tons of oil, as against 335,685.

seals and 3,734 tons of oil in 1890. An increase in the price of oil, and an enhanced value for the skins, further contributed to the success of this industry, the total value of which realised in 1890 \$556,426, and in 1891 \$780,807, an increase of \$224,381.

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With regard to the minor fisheries, I may state, generally, that the catch of salmon was slightly below the average, and that of herring, if we except those taken for freezing purposes, almost a blank.

I have referred to the fishery prosecution in Fortune and Placentia Bays, for exportation of herring to the United States in a frozen condition, as being an exception to the general rule as regards the failure of this fishery in 1891. I may state, however, that while not a failure to that extent noticeable in the Labrador and shore catch, its results cannot be looked upon as altogether satisfactory. This was mainly due, not so much to a shortage in the take, as to the exceptionally mild weather experienced during the few months the fishery lasts, and to this must be added the ill effects caused by the differential tax levied against Newfoundland—caught herrings in the markets of the United States, and which it was hoped would have been removed by the ratification, by Her Majesty's Government, of the Convention of 1890.

SHIPBUILDING.

As in 1890, so in 1891, the mildness of the winter operated most injuriously to the industry of shipbuilding, and I have to record an unusually small number of ships constructed. In 1889 100 ships, with a tonnage of 44,080 tons, were built; in 1890, 48, with a tonnage of 1,896 tons, while in 1891 the numbers were 51 and 1,609 respectively.

LUMBERING.

It affords me much satisfaction to record the continual prosperity of this industry. In 1891 1,431 M. feet, of the very best quality of lumber, chiefly deals, was exported to Great Britain, as against 1,329 M. feet in 1890. Further than this, the quantity of lumber imported into this Colony was 1,317 M. less than the quantity imported in 1890. This clearly shows that as far as her own demand is concerned Newfoundland lumber is rapidly taking the place of the imported article, while every year a large increase in the quantity exported goes to show that at no distant date Newfoundland will take high rank as a lumber-producing country. The prices realized for lumber in 1890 and 1891 were respectively \$15 and \$20 per M.

MANUFACTURES.

With regard to manufactures, a considerable advance will be observed in that of boneless codfish, the value of this article exported

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from the Colony being \$20,000 in 1891 as against \$6,000 in 1890. Within the last two years an excellent glue has been manufactured from codfish skins and has found a ready sale both in the Colony and Dominion of Canada. It possesses the qualities of being easily soluble and exceedingly adhesive and is considered quite equal, if not superior for many purposes, to the ordinary glue of commerce.

With regard to the longer established manufactories of leatherware, cordage, nets, tobacco, soap, ships' biscuits, &c., it may safely be said that each year shows an increase in the quantity and value of their output.

AGRICULTURE.

Owing to the expenditure in bonuses of the whole amount of the loans authorised by the Legislature for the encouragement of agriculture, a considerable falling off will be noted in connexion with the grants of land and more especially in those granted for agricultural purposes, the bulk of the grants issued for 1891 being for timber and mining concessions. If, however, we turn to the figures given in the census for 1891 we will find a most extraordinary development of agriculture during the last seven years. According to the census of 1884 the estimated acreage of cultivated land in the Colony was set down as 47,000 acres; in 1891 it was 64,500. The following figures will show more clearly than words can explain the progress made during the last seven years:—

—	1890.	1891.
Oats - - - - -	5,393 Bush.	12,900 Bush.
Hay - - - - -	28,312 Tons.	36,032 Tons.
Potatoes - - - - -	302,649 Brls.	481,024 Brls.
Turnips - - - - -	24,000 „	60,235 „
Other root crops - - - - -	21,144 „	86,400 „

and with regard to live stock—

—	1890.	1891.
Horses - - - - -	5,534	6,138
Horned Cattle - - - - -	19,884	23,822
Sheep - - - - -	40,326	60,840
Goats - - - - -	7,934	8,715

Ten years ago Newfoundland was dependent for more than half of its vegetable supply upon the neighbouring provinces ; at this date, if we except oats and dried pease, the Colony is self-sustaining.

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With regard to animal food, it is still necessary to import live cattle.

The policy of the present Government has been to develop and open up to capital and labour, by means of railway extension, the rich lands of the interior. They had hoped to have been able to carry out a Settlement Scheme in connexion with the railway, and an application for a guarantee of loan was made to Her Majesty's Government for that purpose.

The matter remains in abeyance, but it is anxiously desired that such a guarantee will be forthcoming. Unless a Settlement Scheme is enterprised in connexion with railway extension it is difficult to conceive how the latter will be made remunerative, or to pay the interest on the capital invested.

The country possesses rich agricultural lands, the climate favours the development of agriculture, and the large market at home, as well as proximity to the markets of Europe, should be a sufficient inducement to practical farmers to engage in this industry. Before much greater advance is made in this direction provision will have to be made to aid settlers in removing to the localities best suited for agriculture, and to construct waggon roads through the new settlements.

CENSUS.

The Imperial Government having asked that the time appointed for the taking of the Census in this Colony should coincide with that upon which it was taken in other parts of the Empire, the Colonial Government, in 1891, carried this request into effect. Unfortunately the fire of 8th July destroyed the almost completed printed copy of its results, together with some of the manuscript ; under these circumstances it will be impossible to issue a tabulated statement until early in the ensuing year. As the report which will accompany the issue will deal fully with the subject, it will be only necessary at this time to state, generally, that the population of the Colony has not during the last seven years shown a material increase. In 1891 it amounted to 202,040 an addition of only 4,705, or 2·38 per cent. to that of 1884. Entering somewhat more into details, we find that the total for 1891 (including Labrador) was made up as follows : males, 100,375 ; females, 97,559. This does not include Labrador from where these returns could not be obtained. Persons employed in mining, 1,258 ; factories, 3,740 ; agriculture (solely), 1,547, but a large number of fishermen devote portion of their time to farming ; manufactories, 1,209 ; other occupations (servant girls, porters, &c.), 13,542 ; fisheries, 54,755. The number of births were, in 1891, 6,716 ; marriages, 916 ; and deaths, 4,478. The birth rate was 33 per 1,000, the death rate was 22 per 1,000. The highest

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birth-rate was in the district of Trinity, equal to 40 per 1,000 ; the lowest, in the district of Ferryland, 25 per 1,000.

The highest death rate was in the districts of Trinity, Twillingate, Burin, *i.e.*, 30 per 1,000 ; the lowest in Fortune Bay, 8 per 1,000.

As regards religious denominations, the population is classified as follows :—

Church of England	-	69,824, increase of 1·19 per cent.
Roman Catholic	-	72,696, decrease „ 3·40 „
Methodist	-	53,276, increase „ 9·24 „
Presbyterian	-	1,449, decrease „ 3·08 „
Congregational	-	782 increase „ 1·82 „
Salvation Army	-	2,092.
Other denominations	-	1,921, decrease „ 6·33 „

RAILWAYS.

During 1891, the construction of the Hall's Bay Railway was pushed forward as rapidly as the short season available would permit ; 65 miles of track was laid, and right of way cut and road bed graded for 15 or 20 miles more. This line is being constructed under contract with a Canadian firm, it is narrow gauge (3ft. 6in.) and costs \$15,600 per mile, payment being made in the Colony's bonds, bearing interest at 3½ per cent.

MINING.

Mining statistics for the year show an increase in value of double that of the previous year. The shipments of copper and other ores in 1890 were ; ingots 609 tons ; regulus 1,236 tons ; green 400 tons, valued at \$226,792. Antimony valued at \$1,200 ; iron pyrites 16,700 tons, valued at \$72,315.

In 1891, ingots, 1,139 tons ; regulus, 3,626 tons ; green, 7,060 tons, valued at \$565,850 ; antimony valued at \$1,250 ; iron pyrites, 19,150 tons, valued at \$57,900 ; selenite, 250 tons, valued at \$1,200.

Asbestos properties inland from the West Coast have been worked by local and foreign capital. No shipments of that mineral were made during the year but the reports from the several mines are most encouraging.

The Geological Survey for the year revealed the existence of valuable deposits of coals and other minerals in the vicinity of Grand Lake. A preliminary report by James P. Howley, Esq., F.G.S., the superintendent of the Geological Survey, was placed in your Excellency's hands, which stated that in a total horizontal distance of 684 feet there are no less than 35 outcrops of coal, ranging from 1 inch to 3 feet in thickness. That in connexion with the coal there were extensive clay iron deposits of good quality, that freestones, grindstones, and whetstones are abundant amongst the coal measures, and that a great number of fireclay beds occur within the section.

Marble was also met with near the upper end of the Grand Lake, and immense deposits discovered on the upper Humber not far from the shores of White Bay.

In concluding his report upon this district, Mr. Howley says that, taking it altogether, its extent, and valuable character of its agricultural land, vast timber supply and abundance of other resources, he feels no hesitation in expressing the opinion that with a judicious system of opening up by means of roads and railroads and encouraging a proper class of emigrants to settle these lands, and with capital properly directed in the development of its mineral resources, this valley is quite capable of supporting a population equal to that of the entire Island at present, altogether irrespective of the fisheries.

The following analyses of coal samples from Grand Lake by W. H. Fitton, F.G.S., F.S.Sc., of Beeston, Leeds, England, may be of interest to your Excellency. Twelve samples of coal were taken as being most typical, and duplicate tests were made in order to ensure accuracy. The analyses of these coals show :—

(No. 1.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	-	7.41
Volatile matter	-	-	-	-	-	30.73
Fixed carbon	-	-	-	-	-	53.49
Ash	-	-	-	-	-	7.71
Sulphur	-	-	-	-	-	.66
						<hr/>
						100.00
						<hr/>
Coke (in closed vessel)	-	-	-	-	-	61.86 per cent.
Colour of ash	-	-	-	-	-	Light pink.

(No. 2.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	-	15.78
Volatile matter	-	-	-	-	-	30.30
Fixed carbon	-	-	-	-	-	45.29
Ash	-	-	-	-	-	8.08
Sulphur	-	-	-	-	-	.55
						<hr/>
						100.00
						<hr/>
Coke (in closed vessel)	-	-	-	-	-	53.92 per cent.
Colour of ash	-	-	-	-	-	Light grey.

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(No. 3.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	-	5·82
Volatile matter	-	-	-	-	-	33·62
Fixed carbon	-	-	-	-	-	55·28
Ash	-	-	-	-	-	4·49
Sulphur	-	-	-	-	-	·79
						<hr/> 100·00 <hr/>
Coke (in closed vessel)	-	-	-	-	-	60·56 per cent.
Colour of ash	-	-	-	-	-	Brown.

(No. 4.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	-	5·80
Volatile matter	-	-	-	-	-	31·44
Fixed carbon	-	-	-	-	-	57·86
Ash	-	-	-	-	-	4·08
Sulphur	-	-	-	-	-	·82
						<hr/> 100·00 <hr/>
Coke (in closed vessel)	-	-	-	-	-	62·76 per cent.
Colour of ash	-	-	-	-	-	Light pink.

(No. 5.)

Coal Brook, Grand Lake.

Moisture	-	-	-	-	-	5·02
Volatile matter	-	-	-	-	-	31·25
Fixed carbon	-	-	-	-	-	34·03
Ash	-	-	-	-	-	8·66
Sulphur	-	-	-	-	-	1·04
						<hr/> 100·00 <hr/>
Coke (in closed vessel)	-	-	-	-	-	63·73 per cent.
Colour of ash	-	-	-	-	-	Light red.

(No. 6.)

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Aldery Brook, Grand Lake.

Moisture	-	-	-	-	4.32
Volatile matter	-	-	-	-	16.84
Fixed carbon	-	-	-	-	72.66
Ash	-	-	-	-	5.33
Sulphur	-	-	-	-	.85
					<hr/> 100.00 <hr/>

Coke (in closed vessel)	-	-	-	-	78.84 per cent.
Colour of ash	-	-	-	-	Light brown.

(No. 7.)

Coal Brook, Grand Lake.

Moisture	-	-	-	-	9.93
Volatile matter	-	-	-	-	24.01
Fixed carbon	-	-	-	-	49.15
Ash	-	-	-	-	16.14
Sulphur	-	-	-	-	.77
					<hr/> 100.00 <hr/>

Coke (in closed vessel)	-	-	-	-	66.06 per cent.
Colour of ash	-	-	-	-	Grey.

(No. 8.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	10.77
Volatile matter	-	-	-	-	16.55
Fixed carbon	-	-	-	-	33.89
Ash	-	-	-	-	37.86
Sulphur	-	-	-	-	.93
					<hr/> 100.00 <hr/>

Coke (in closed vessel)	-	-	-	-	72.68 per cent.
Colour of ash	-	-	-	-	Grey.

NEWFOUND-
LAND.
1891.

(No. 9.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	-	10·22
Volatile matter		-	-	-	-	24·39
Fixed carbon	-	-	-	-	-	48·51
Ash	-	-	-	-	-	15·72
Sulphur	-	-	-	-	-	1·16
						<hr/> 100·00 <hr/>
Coke (in closed vessel)	-	-	-	-	-	65·39 per cent.
Colour of ash	-	-	-	-	-	Light pink.

(No. 10.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	-	13·71
Volatile matter		-	-	-	-	26·83
Fixed carbon	-	-	-	-	-	51·06
Ash	-	-	-	-	-	7·56
Sulphur	-	-	-	-	-	·84
						<hr/> 100·00 <hr/>
Coke (in closed vessel)	-	-	-	-	-	59·56 per cent.
Colour of ash	-	-	-	-	-	Light grey.

(No. 11.)

Aldery Brook, Grand Lake.

Moisture	-	-	-	-	-	12·11
Volatile matter		-	-	-	-	19·53
Fixed carbon	-	-	-	-	-	44·70
Ash	-	-	-	-	-	22·33
Sulphur	-	-	-	-	-	1·33
						<hr/> 100·00 <hr/>
Coke (in closed vessel)	-	-	-	-	-	68·36 per cent.
Colour of ash	-	-	-	-	-	Grey.

NEWFOUND-
LAND.
1891.

(No. 12.)

Little Brook, Grand Lake.

Moisture	-	-	-	-	-	8.44
Volatile matter	-	-	-	-	-	28.54
Fixed carbon	-	-	-	-	-	50.07
Ash	-	-	-	-	-	11.53
Sulphur	-	-	-	-	-	1.42
						<hr/>
						100.00
						<hr/>

Coke (in closed vessel) - - - 63.92 per cent.
 Colour of ash - - - Red.

I have, &c.
 (Signed) R. BOND,
 Colonial Secretary.

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NEWFOUNDLAND.

THE

NEWFOUNDLAND
FRENCH TREATIES ACT,
1891.

Presented to both Houses of Parliament by Command of Her Majesty.
November 1893.



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1893.

[C.—7215.] *Price 1d.*

THE NEWFOUNDLAND FRENCH TREATIES ACT, 1891.

ANNO QUINQUAGESIMO QUARTO VICTORIÆ REGINÆ.

CAP. XVI.

AN ACT for the purpose of carrying into effect ENGAGEMENTS with FRANCE respecting FISHERIES in NEWFOUNDLAND. [Passed May 30th, 1891.]

SECTION

1.—Any acts done by the Governor or any officer in pursuance of instructions from Her Majesty with reference to the carrying out of treaties, declarations or agreements with France upon that part of the coast of this island from Cape John to Cape Raye, shall be lawful, and no action or suit shall be brought on account thereof.

SECTION

2.—Any acts done by the Governor or any officer in pursuance of instructions, for the purpose of carrying out the *modus vivendi*, or the decision of the arbitration, shall be lawful, and no action or suit shall be maintained on account thereof.

3.—Penalty for refusal to comply with requisition of Governor or officer.

4.—Short title and time of duration.

WHEREAS by treaties and declarations entered into and exchanged between the Kings of Great Britain and France, certain engagements were made and declared relative to Newfoundland and the islands of St. Pierre and Miquelon, and in relation to the fisheries on a part of the coast of Newfoundland,—which treaties and declarations are as follows:—

Preamble.

Article 13 of the Treaty of Utrecht (1713), as follows:

“The island called Newfoundland, with the adjacent islands, shall from this time forward belong of right wholly to Great Britain; and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up within seven months from the exchange of the ratification of this treaty, or sooner if possible, by the most Christian King, to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the most Christian King, His heirs and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island or islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any building there, besides stages made of boards and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish and to dry them on land in that part only, and in no other besides that, of the said island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence and in the Gulph of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there.”

Articles 5 and 6 of the Treaty of Paris (1763), as follows:

“Article 5.—The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as it is specified in the 13th Article of the Treaty of Utrecht, which Article is renewed and confirmed by the present Treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the Gulph of St. Lawrence), and His Britannic Majesty consents to leave to the subjects of the most Christian King the liberty of fishing in the Gulph of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situate in the said Gulph of St. Lawrence. And as to what relates to the fishery on the coast of the island of Cape Breton out of the said Gulph the subjects of the most Christian King shall not be permitted to exercise the

Preamble.

said fishery but at the distance of fifteen leagues from the coast of the island of Cape Breton ; and the fishery on the coasts of Nova Scotia or Acadia, and everywhere else out of the said Gulph, shall remain on the footing of former treaties.

“ Article 6.—The King of Great Britain cedes the islands of St. Pierre and Miquelon in full right to His most Christian Majesty to serve as a shelter to the French fishermen ; and His said most Christian Majesty engages not to fortify the said islands, to erect no buildings upon them, but merely for the convenience of the fishery, and to keep upon them a guard of fifty men only for the police.”

Articles 4, 5, and 6, of the Treaty of Versailles (1783), as follows :—

“ Article 4.—His Majesty the King of Great Britain is maintained in his right to the island of Newfoundland, and to the adjacent islands, as the whole were assured to him by the 13th Article of the Treaty of Utrecht, excepting the islands of St. Pierre and Miquelon, which are ceded in full right by the present Treaty to His most Christian Majesty.

“ Article 5.—His Majesty the most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situate on the eastern coast of Newfoundland, in fifty degrees north latitude ; and His Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of His most Christian Majesty, beginning at the said Cape St. John, passing to the north and descending by the western coast of the island of Newfoundland, shall extend to the place called Cape Ray, situate in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present Article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

“ Article 6.—With regard to the fishery in the Gulph of St. Lawrence, the French shall continue to exercise it conformably to the 5th Article of the Treaty of Paris.”

The following Declaration, made by His Britannic Majesty upon the signing of the Treaty of Versailles :

“ The King, having entirely agreed with His most Christian Majesty upon the Articles of the definite Treaty, will seek every means which shall not only insure the execution thereof with his accustomed good faith and punctuality, and will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

“ To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it, which is granted to them upon the coasts of the islands of Newfoundland ; but he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

“ The 13th Article of the Treaty of Utrecht, and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there. It shall not be deviated from by either party, the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there ; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence.

“ The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen and in full confidence that these possessions will not become an object of jealousy between the two nations, and that the fishery between the said islands and that of Newfoundland shall be limited to the middle of the channel.”

The following counter Declaration of His most Christian Majesty the King of France made at the same time :

“The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting by preventing, as much as possible, in the four quarters of the world, every subject of discussion and quarrel. Preamble

“The King of Great Britain undoubtedly places too much confidence in the uprightness of His Majesty’s intentions not to rely upon his constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

“As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangement settled by the two Sovereigns, upon this matter it is sufficiently ascertained by the 5th Article of the Treaty of Peace signed this day, and by the declaration likewise delivered to-day by His Britannic Majesty’s Ambassador Extraordinary and Plenipotentiary; and His Majesty declares that he is fully satisfied on this head.

“In regard to the fishery between the Island of Newfoundland and those of St. Pierre and Miquelon, it is not to be carried on by either party but to the middle of the channel; and His Majesty will give the most positive orders that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.”

Articles 8 and 13 of the Treaty of Paris (1814), as follows:—

“Article 8.—His Britannic Majesty, stipulating for himself and his allies, engages to restore to His most Christian Majesty, within the term which shall be hereafter fixed, the colonies, fisheries, factories, and establishments of every kind which were possessed by France on the first January, 1792, in the seas and on the continents of America, Africa and Asia, with the exception, however, of the islands of Tobago and St. Lucie, and the Isle of France and its depeudencies, especially Rodrigues and Les Schelles, which several Colonies and Possessions His most Christian Majesty cedes in full right and sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His most Christian Majesty restores in full right and sovereignty to His Catholic Majesty.

“Article 13.—The French right of fishery upon the Great Bank of Newfoundland, upon the coasts of the island of that name, and of the adjacent islands in the Gulph of St. Lawrence, shall be replaced upon the footing in which it stood in 1792.”

Article 11 of the Treaty of Paris (1815), as follows:

“The Treaty of Paris of the 13th of May, 1814, and the final Act of the Congress of Vienna of the 9th of June, 1815, are confirmed, and shall be maintained in all such enactments which shall not have been modified by the Articles of the present Treaty.”

And whereas differences have arisen between Her Majesty the Queen and the Government of the Republic of France respecting the rights of the citizens of the Republic of France as to the catching and canning of lobsters on the said portion of the coasts of Newfoundland, and the erection of factories or buildings for that purpose, and an agreement has been made between the high contracting parties for the submission to arbitration of the said differences, which agreement is as follows:—

“The Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions:

“1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government, or by their delegates, concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

“2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

“3. The *modus vivendi* of 1890 relative to the catching and preparation of lobsters is renewed purely and simply for the fishery season of 1891.

Preamble.

"4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission, it may take cognizance of other subsidiary questions relative to the fisheries on the above-mentioned portion of the coasts of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

"5. The Commission of Arbitration shall be composed:

- (1.) Of three specialists or jurisconsults designated by common consent by the two Governments;
- (2.) Of two delegates of each country, who shall be authorised channels of communication between the two Governments and other Arbitrators.

"6. The Commission of Arbitration thus formed of seven members shall decide by majority of votes, and without appeal.

"7. It shall meet as soon as possible.

"Done at London, the 11th day of March, 1891."

And whereas the said high contracting parties have agreed to extend, for the fishery season of 1891, the *modus vivendi* agreed to in 1890, which was as follows:

"The questions of principle and of respective rights being entirely reserved on both sides, the British and French Governments agree that the *status quo* shall be maintained during the ensuing season on the following basis:

"Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland, where the French enjoy rights of fishing conferred by the treaties, it is understood that there shall be no modification in the positions ("emplacements") occupied by the establishments of the subjects of either country on the first of July, one thousand eight hundred and eighty-nine, except that a subject of either nation may remove any such establishment to any spot on which the commanders of the two naval stations shall have previously agreed.

"No lobster fisheries which were not in operation on the first of July, one thousand eight hundred and eighty-nine, shall be permitted unless by the joint consent of the commanders of the British and French naval stations.

"In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between the said naval commanders.

"Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

"N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open."

Enacting
clause.

Be it therefore enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened:—

Any acts done
by the
Governor or
any officer in
pursuance of
instructions
from Her
Majesty with
reference to the
carrying out of
treaties, de-
clarations, or
agreements
with France
upon that part
of the coast of
this island from
Cape John to
Cape Raye,
shall be lawful,
and no action
or suit shall be

1.—In case Her Majesty, Her heirs and successors, by advice of her or their Council, shall give orders or instructions to the Governor of Newfoundland, or to any officer or officers on that station, which she or they deem necessary and proper to fulfil the purposes of the said treaties, declarations and agreements, and to that end shall give orders and instructions to the Governor or officer or officers aforesaid, to remove or cause to be removed any stages, flakes, train fats or other works whatever, for the purpose of carrying on the fishery, erected by Her Majesty's subjects on that part of the coast of Newfoundland which lies between Cape St. John, passing to the north, and descending to the western coast of the said island, to the place called Cape Raye, and also all ships, vessels and boats belonging to Her Majesty's subjects which shall be found within the limits aforesaid; and also, in case of refusal to depart from within the limits aforesaid, to compel any of Her Majesty's subjects to depart from thence, any law, custom or usage to the contrary notwithstanding. Any acts done by the said Governor or officer or officers in

pursuance of such orders or instructions as aforesaid, shall be lawful, and no action, suit or other proceeding shall be brought or maintained in respect of the same. brought on account thereof.

2.—In case Her Majesty, Her heirs and successors, by advice of her or their Council, shall give orders or instructions to the said Governor or officer, or officers, which she or they deem necessary for the purpose of carrying out or enforcing the said *modus vivendi* during the fishery season of 1891, or any continuation thereof, pending the arbitration aforesaid, and for the purpose of giving effect to the decision in said arbitration, any acts done by the said Governor or officer, or officers, in pursuance of such orders or instructions, shall be lawful, and no action, suit or other proceeding shall be maintained in respect of the same. Any acts done by the Governor or any officer in pursuance of instructions, for the purpose of carrying out the *modus vivendi*, or the decision of the arbitration, shall be lawful, and no action or suit shall be maintained on account thereof.

3.—If any person shall refuse, upon requisition made by the said Governor or officers, lawfully acting in pursuance of such orders or instructions as aforesaid, to conform to such requisition and directions as the said Governor or officers shall lawfully make or give, for the purposes aforesaid, such person so offending shall forfeit the sum of two hundred dollars; provided always, that every such suit or prosecution shall be commenced within one year from the commission of such offence. Penalty for refusal to comply with requisition of Governor or officer.

4.—This Act may be cited as the "Newfoundland French Treaties Act," and shall continue in force only until the end of 1893, and no longer. Short title and time of duration.

CROFTER COLONISATION.

FOURTH REPORT

OF

HER MAJESTY'S COMMISSIONERS APPOINTED
TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN
HIGHLANDS AND ISLANDS OF SCOTLAND,

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



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1893.

[C.—7226.] Price 2½d.

FOURTH REPORT

OF THE

COLONISATION BOARD.

TO THE QUEEN'S MOST EXCELLENT MAJESTY:

MAY IT PLEASE YOUR MAJESTY:

WE, the undersigned Commissioners appointed under Your Majesty's Sign Manual for the purpose of carrying out a scheme of colonisation in the Dominion of Canada of crofters and cottars from the Western Highlands, and the islands of Scotland, and from the congested districts of Ireland, desire humbly to submit to Your Majesty the following Report:—

Reports have been received from the agent of the Board in Canada relating to the settlements at Killarney, in Manitoba, and at Saltcoats, in the North-West Territories, for the year 1892. The former was established in the summer of 1888 and the latter in the spring of 1889.

Statements are appended giving extracts from the reports of the agent (Appendix A) and summaries of the statistics (Appendix B.), showing the position of the various families in 1892, with the particulars of the acreage under wheat, oats, and potatoes in the years 1890, 1891, and 1892, of the live stock on the farms, and other information.

With regard to the Killarney Settlement, it will be seen that it continues to develop in a satisfactory manner, that the area under cultivation increases year by year, and that considerable attention is also given to the raising of stock.

The total area of land at present under cultivation is 4,196 acres, of which 2,565 belong to the heads of families—an average of $85\frac{1}{2}$ acres each family—and 1,630 acres to the younger members of families who have taken up farms, which represents about 43 acres per person. Altogether the average of the 30 families is nearly 140 acres per family.

The estimate of the crops in the settlement in 1891, and the prices which it was expected would be realised, turned out to be somewhat excessive, for reasons which are explained in the agent's report.

On a low computation it will be seen that the value of the crops last year was greater than in any previous year, notwithstanding the low prices which have prevailed for produce of all kinds.

There is no doubt that the position of this settlement should be satisfactory. The families are not only self-supporting, but they ought to have, in most cases, a surplus with which to meet the obligations they have incurred. They are certainly in a position to which they could not have attained in the parts of Scotland from which they came.

We regret we are obliged to report that the first instalment of the advances made to the Killarney Crofters, which became due in the autumn of last year, has not been met.

The position of each family is being inquired into, as well as the reasons which they give for their inability to carry out their agreement, and the Board will take any measures that may be necessary for the protection of its interests.

The security which the Board holds is believed to be far in excess of the liability of the settlement. This is proved by the informal offers which have recently been made by Land and Investment Companies to consider the transfer of the Board's indebtedness to them.

In some cases, also, the settlers are making inquiries as to borrowing money of these Companies, with a view to clear off entirely their indebtedness to the Board. One of the younger settlers has repaid the entire sum advanced to him,

Since the annual report of the agent was received, the Board has been informed, much to its regret, that the land in the occupation of many of the Killarney settlers has been sold by the local municipality in consequence of the non-payment of the municipal taxes. The indebtedness ranged from \$21·14 to \$52·91, the total indebtedness on the 35 homesteads involved being rather under \$1,200, or an average of about \$34, equal to 6*l.* 19*s.* 9*d.* per settler. The total number of settlers, including the heads of families, and the younger members who have taken up land, is over 60, so that apparently many of the settlers have paid their taxes. The lands have been bought in by the municipality, and can be redeemed at a premium within a year or two years. The Board have not yet been informed of the circumstances under which the crofters allowed their land to be sold, in view of the small amounts due by them. There seems to be no reason why the taxes should not have been paid as they fell due, in view of the comparatively satisfactory position of the settlers, as demonstrated by the Appendices to this report. The matter is now in the hands of the solicitors of the Board with a view to measures being taken to induce the settlers to meet their liabilities, and to preserve intact the security of the Board for the advances made.

We regret to state that the position of the Saltcoats Settlement is not so satisfactory as that at Killarney, and that only 18 families out of the 49 originally sent out remain upon the land. There are also 13 of the younger members of the families still retaining their lands. This matter was referred to in our last Report.

This settlement has been unfortunate, to a certain extent, and various other causes have contributed to bring about that result.

It cannot, however, be pointed out too strongly that, from the first, many of the heads of the families which have abandoned their holdings did not show that energy and enterprise which, after a short stay in the country, their fellow-settlers at Killarney manifested.

In the first year of their arrival, as explained in previous reports, and in the evidence given before the Colonisation Committee, those families which accepted the land selected for them were a long time in getting to work. A number of families refused to settle on the land set apart for them, and selected land at some distance off, which was not of so good a quality. All those have abandoned their farms.

In 1889, owing to the difficulties connected with the settlement and to the delay in the people getting to work, they had little or no crop. In 1890 they had not so much land under cultivation as could have been expected, but the crops were excellent in quantity and quality. The grain, however, was much damaged at harvest time by heavy rain, and owing to not being properly stacked. This, naturally, caused some disappointment; but the crofters had enough grain to supply their wants during the winter, for seed grain in 1891, and to pay the store debts they had incurred. In 1891 Manitoba and the North-West Territories, with a few exceptions, enjoyed a bountiful harvest; but, unfortunately, the Saltcoats District was one of the exceptions, the entire crop of wheat being seriously damaged by frost in the last week of August. The crofters were, however, self-supporting, and did not require any assistance from the Board, except in the way of seed-grain in the following spring.

The position as regards last year is explained in the report of the agent of the Board.

Owing to this state of affairs, the Board was asked in the spring of this year to allow a further advance to the settlers of seed-grain and fodder; and it has been sanctioned.

After the annual report of the agent was received, information reached the Board that, during the winter, the cattle in the Saltcoats settlement suffered somewhat severely, in common with the cattle belonging to other settlers in the neighbourhood. The matter is being inquired into and will receive every consideration.

The attention of the Board has been called to several matters of complaint by the Saltcoats settlers, dating from the time of their arrival in the country down to a recent date. Most of the allegations have already been fully dealt with, and were investigated by the Select Committee of the House of Commons on Colonisation, which made its report in 1891. Advantage has, however, been taken of the visit to the Dominion of Sir Charles Tupper, the High Commissioner for Canada, a Member of the Board, to ask him to inquire into the condition and complaints of the settlers, and he has been good enough to undertake to do so.

It will be seen from the agent's reports that he does not consider that there will be serious loss, if any at all, in respect of those families who have abandoned their homesteads.

In the Session of 1892 an additional vote of 7,500*l.* was granted for further experiments connected with colonisation, in view of the report of the Select Committee on Colonisation in favour of a continuation of the scheme.

We were also of the opinion that further experiments should be tried in view of the valuable experience that had been acquired in connexion with the settlements at Killarney and at Saltcoats.

The Sub-Committee of the Board at Winnipeg, and its agent, were requested, therefore, early in May 1892, to arrange for the preparation of land for 30 families which it was intended to emigrate in the present year.

This preparation is considered to be almost absolutely necessary, as it ensures, as far as is possible, a crop in the first year of settlement. In other circumstances the crop the first year becomes somewhat uncertain, and the question of the maintenance of the settlers during the first winter is liable to require consideration.

Certain difficulties, however, appeared in the way. It was only after a considerable correspondence between the Sub-Committee and the Minister of the Interior that a district was specified in which the necessary land could be reserved; but upon examination the agent of the Board reported that it was not in his opinion altogether suitable for colonisation purposes.

It was then too late to enable preparations to be made on other land that might be selected, as it is necessary that any breaking and other work should be done before the 1st of July.

In the meantime, however, a circular had been issued in the crofting parishes in the highlands and islands of Scotland inviting applications from families desiring to participate in the scheme. No applications were, however, received from families in the districts from which the settlers at Killarney and Saltcoats came.

In view of these circumstances, the Secretary for Scotland decided that it would be preferable not to arrange for any emigration in the spring of 1893.

According to recent advices, the harvest in Manitoba and the North-West Territories of Canada promised to be favourable, and it is hoped that the crofters in both the Saltcoats and Killarney settlements will participate in its benefits.

GEORGE OTTO TREVELYAN.
HORACE PLUNKETT.
CHARLES TUPPER.
JAMES KING.
COLIN SCOTT MONCRIEFF.
JOHN ROSS OF BLADENSBURG.
JAMES BELL.
THOMAS SKINNER.

J. G. COLMER, Secretary.

October 1893.

APPENDIX A.

EXTRACTS FROM AGENT'S REPORT.

I beg to submit, for the information of your honourable Board, my official report of the crofters located at Killarney in Southern Manitoba.

CROFTERS' INDIVIDUAL REPORTS.

These reports contain the following information for years 1890, 91, and 92, viz.: lien number, name, location, nature of buildings, and improvements made on each homestead, acreage, average yield of grain and roots, live stock—number and age, poultry, farm implements, and general remarks.

STATEMENT "A."

The information contained in this statement has been compiled, with the view of showing the Board the total number of acres, and their yield of wheat, oats, and potatoes, each crofter had under cultivation, together with breaking done, during seasons ending 1890, 91, and 92.

APPENDIX "A."

This Appendix condenses information contained in Statement "A," and is compiled for the purpose of showing at a glance, the total number of acres under cultivation of wheat, oats, and potatoes, with their autumn market value. It also shows the total value of farm produce raised, and total number of acres of land broken during seasons ending 1890, 91, and 92.

WHEAT, FOR 1890.

During the season of 1890, 1336½ acres of land was sown in wheat, yielding 20,324 bushels, and could find a ready market at 60 cents. per bushel, and, if sold at that figure, would realise \$12,194.40.

OATS, 1890.

Seventy-four acres of oats were sown, which yielded 2,168 bushels, which found a ready market at 20 cents. a bushel, realising \$433.60.

POTATOES, 1890.

Nine and a quarter acres of potatoes were sown, and yielded 1,762 bushels, which could find a ready market this season at 22 cents. a bushel, and would therefore realise \$387.64.

TOTAL VALUE OF FARM PRODUCE, 1890.

The total value of farm produce raised during the season of 1890, is valued at \$13,015.64.

TOTAL ACRES UNDER CULTIVATION AND BREAKING, &c., 1890.

The total number of acres under cultivation was 1,420 breaking, &c. 825½, making a grand total of 2,245½ acres ready for the season of 1891.

WHEAT, 1891.

The number of acres (1,336½) of wheat under cultivation in 1890, was further increased in 1891, by 783½ acres, making a total of 2,120 acres which yielded 36,974 bushels, sold on an average for 35 cents. per bushel, realising \$12,940.90. In my 1891 report. I stated that the approximate average yield per acre, would be 20 bushels. From this Appendix ("A") it

will be seen, that the actual grain thrashed, yielded rather over 17 bushels to the acre. The cause of the yield not reaching the estimated quantity is accounted for by the poor manner in which most of the crofters built their grain stacks. Those who thrashed in the autumn, had from 28 to 30 bushels per acre, which sold at 70 cents. per bushel. Those who were unable to thrash until spring of 1892, owing to impassable roads, suffered great losses, as the snow which had penetrated the badly built stacks (many of them too badly damaged to be worth thrashing) had melted. After thrashing, the grain was placed in the crofter's granaries, and, being wet, much of it became heated, and was consequently useless. The loss of so many bushels of grain naturally affected the yield (estimated in my report of 1891) which would otherwise have been nearer 30 bushels than what it is, viz., 17. This was only the first loss, and was but small in comparison with that caused by the low price realised on the sale of the remaining damaged grain, for had the grain been properly harvested and thrashed, it would have found a ready market at 70 cents. per bushel, instead of most of it having to be sold, on an average, for 35 cents. per bushel. This serious loss has been in one way beneficial, for on my visit to the Colony in September, I saw that the crofters were building their stacks properly.

OATS, 1891.

The 74 acres of oats, under cultivation during the season of 1890 was further increased in 1891 by 90 acres, making a total of 164 acres under cultivation, which yielded 5,819 bushels, and could be sold for 20 cents a bushel, and if sold at that price would realise \$1163.80.

POTATOES, 1891.

The 9½ acres of potatoes under cultivation for the season of 1890 was further increased in 1891 by 2½ acres, making a total of 11½ acres, which yielded 2,013 bushels, the market price of which was 18 cents a bushel, and if sold at that figure would realise \$363.34.

TOTAL VALUE OF FARM PRODUCE, 1891.

The total value of farm produce raised during the season of 1891 is valued at \$14,467.04.

THE TOTAL ACRES UNDER CULTIVATION AND BREAKING, 1891.

The total number of acres under cultivation was 2,295½, breaking, &c. 1,250—making a grand total of 3,545½ acres for 1892.

WHEAT, 1892.

The 2,120 acres of wheat under cultivation during the season 1891 was further increased in 1892, by 969 acres, making the total under wheat read 3,089 acres, which yielded 31,599 bushels of excellent grain. The low average per acre (over 10) is accounted for by the crofters having done very little fall ploughing, and as the spring of 1892 was not an early one, it was very late before all the grain was sown, and was therefore not far enough advanced to be benefited by the early rains, so that when the dry season came (June and July) a number of the weaker plants withered. The seed grain used by the crofters was not of the best quality, and will help to explain the low average per acre. The market price of wheat this year was in this district 45 cents per bushel, and if season's yield (31,599 bushels) sold at that price it would realise \$14,219.55.

OATS, 1892.

The 164 acres of oats under crop in 1891 was further increased in 1892 by 137 acres, making a total of 301 acres under cultivation, yielding 9,406 bushels, the market price of which was 20 cents a bushel, and if sold at that figure would realise \$1881.20.

POTATOES, 1892.

The 11½ acres of potatoes under crop in 1891 was further increased in 1892 by 14 acres, making a total of 25½ acres under cultivation, yielding 3,041 bushels, the market price of which was 23 cents per bushel, and if sold at that figure would realise 699.43.

THE TOTAL VALUE OF FARM PRODUCE, 1892.

The total value of farm produce raised during the season of 1892 is valued at \$16,800.18.

THE TOTAL ACRES UNDER CULTIVATION AND BREAKING, 1892.

The total number of acres under cultivation was 3,415½, and breaking, &c. 780½, making a grand total for 1893 of 4,916 acres.

STATEMENT "B."

The information contained in the statement has been compiled with a view of showing the Board the total number of live stock, &c. possessed by each crofter, it also shows the number of head purchased, in addition to those given by the Board, and the increase or decrease for seasons 1890-1-2.

APPENDIX "B."

This appendix condenses the information contained in statement "B.;" from it it will be learned that in 1890 the crofters had purchased 3 horses, in 1891, 28, making a total of 31 horses purchased, valued at \$5,425.00. This number (31) was further increased during the season of 1892 by the purchase of 10 head, making the total number of horses now in the colony 41, valued at 7175.00.

OXEN, 1890-1-2.

The number of oxen purchased in 1890 were 14, and in 1891 30, a total of 44 oxen, which are valued at \$2,640.00. During the season of 1892 the crofters disposed of 23 of the 44 oxen purchased, and with part of the proceeds of sale (\$1,380.00) purchased horses, leaving in the colony 21 oxen, which are valued at \$1,260.00.

Cows, 1890-1-2.

In 1890, 21 cows were purchased by crofters, costing \$630.00; during 1891 4 of the 21 purchased were disposed of for \$120.00, leaving in the colony at that date (1891) 17 cows, valued at \$510.00. This number (17) was further reduced during the season of 1892 by 4 head, leaving in the colony 13 of the 21 cows originally purchased in 1890. These are valued at \$390.00.

HEIFERS, 1890-1-2.

In 1890 the crofters had 30 heifers, valued at \$540.00. During 1891 this number (30) was reduced (by sale) 14 head, leaving in the colony at the close of that year (1891) 16 head, valued at \$288.00. This number (16) was further reduced during the season of 1892 by 1 head, leaving in the colony 15 head, valued at \$270.00.

STEERS, 1890-1-2.

In 1890 there were 29 steers, valued \$580.00; during the season of 1891, 11 of the 29 were disposed of for \$220.00, leaving in the colony 18 head, valued at \$360.00. This number (18) was increased during the season of 1892 by 3 head, making total of 21 steers in the colony at that date (1892) valued at \$420.00.

OXEN, I.C.B., 1890-1-2.

The 56 oxen given to the crofters by the Board shown in the statement ("B") season of 1890, valued at 40.00 each = \$2,240.00 was decreased during the season of 1891 by the loss of 2 head, leaving in the colony 54 oxen, valued at \$2,160.00. During the season of 1892 a further decrease of 14 head, by death, trade, and sale, leaves in the colony at the close of that season (1892) 40 beasts, valued at 25.00 per head, total value \$1,000.00.

Cows, I.C.B. 1890-1-2.

It will be seen from this Appendix ("B") that in 1890 the crofters had 36 Imperial Colonization Board cows, which were valued at \$1,080.00. During the season of 1891 this number (36) was reduced 3 head by death, leaving in the colony at the close of 1892, 33 head, valued at \$990.00.

IN REFERENCE TO COLLECTING MONEY.

I beg to report as follows of my endeavours to collect money payable to the board, on account of "Guarantee Notes" and "First Annual Repayments." I have been several times to Killarney for this purpose. As will be seen from the individual reports, which accompanied my last official report a number of the crofters promised that when they got their grain threshed they would pay the full amount of their "Guaranteed Notes." Their promises were never carried out. The non-fulfilment of these promises made by those crofters who did not get the grains threshed before the spring of 1892 can only be accounted for by the crops being damaged as already explained. I have no other explanation to offer on behalf of the crofters who threshed their grain in 1891 (for not remitting the money promised), than they never intended doing so. When spoken to about it their answer was, "the other" crofters could not pay, and why should we, until "they can." Of my endeavours to collect money during the season of 1892, and up to the date of this report I wish to say I have visited their settlement three times, and endeavoured to impress upon them the necessity of meeting their payments promptly. Four notices requesting repayment have been sent to each crofter, explaining in a lucid manner the amount due by him to the Board. I have received no remittances in answer to these notices, and the only acknowledgment I have had of their receipt by the crofters is their letters to me, which are attached to the individual reports enclosed under this cover. The very unusually low average of grain per acre (all over Manitoba and the North-West Territories) together with the very low price paid for wheat during the season of 1892 will account for the non-receipt of any remittance on account of the first annual repayment, and yet, taking all this into consideration, I know there were several crofters in the Colony who, directly after they had threshed their grain, were in a position to pay the full amount, owing by them to the Board, on account of this year's annual repayment, and several other crofters who could have paid a portion of the instalment due. It is most important the crofter should understand that he has to meet his obligations to the Board. I have used every means in my power to persuade them, and have failed. I now feel it my duty as the Board's agent to recommend that, where I consider the crofter to be in a position to pay, and will not. I be allowed to take legal steps to compel him to do so. I feel sure one example will only be necessary to show the crofters that the prevailing opinion in the settlement "that the Home Government does not" expect to receive from them the money advanced" is false.

In conclusion I beg to say that on my several visits to the Colony I did not hear one complaint made against the country; all liked it and saw their way to become, in the near future, independent farmers.

The last three seasons have taught the crofters how necessary it is to properly stack the grain harvested and to have it threshed and marketed early; and the advantage of having summer, fallow, and fall ploughing done. This knowledge having been gained by every crofter cannot help but be beneficial and tend to make him a successful farmer.

The experience gained and the large amount of fall ploughing done, with the good seed the crofters have for spring sowing, argues well for the season of 1893.

SALTCOATS.

I have the honour to forward to you for the information of the Board my official report of the crofters (1889) located, near Saltcoats, Assiniboia, North West Territories.

CROFTERS INDIVIDUAL REPORTS.

These reports contain the following information, for years 1890-1-2, viz., Lien number, name, location, nature of buildings and improvements made on each homestead, acreage, average yield of grain and roots, live stock number and age, poultry, farm implements, and general remarks.

This year's (1892) low average per acre of wheat and oats, can only be accounted for by late sowing, no summer fallow, or fall ploughing having been done, and as the land had to be prepared in the spring, the rainy season was almost over before the ground was ready to receive the seed, consequently the grain sown was not far enough advanced to be benefited by the spring rains. The hot winds during the months of May and June wilted the plants, and great mischief was done by the visit of two electric storms accompanied by hail, which beat down the grain. This discouraged many of the crofters, and they allowed their cattle to roam over the crops, which appeared to them to be hopelessly ruined, when in reality they had reached that stage of maturity to only require rain to revive them, to fill and head out; this rain came shortly after the hailstorm, and on one homestead that was properly fenced, and where the cattle were not allowed to destroy the crops, the very fair average of 20 bushels to the acre was realised.

The root crop was a very fair one, but I am sorry to inform the Board, that owing to the very cold winter, we have just passed through the greater number of the crofters have had their roots, which were stored in their cellars, destroyed by frost.

From the above explanation it will be seen that the failure of crops in the Colony was not altogether the

fault of the climate. Other settlers farming in the immediate vicinity had good crops and so might the crofters, had they not become discouraged and allowed their cattle to devastate the fields; they would have had grain to sell, beside what was required for seed and gristing purposes.

As matters now stand I feel compelled to petition the Board for permission to expend \$100.00 upon seed-potatoes and grain, in order that those crofters whose crops were utter failures and now have land prepared, may sow their fields. If allowed, I can purchase seed at Saltcoats, and it is presumed that the amount mentioned as requisite could be taken from the funds remaining to the credit of the account number "one" also that the crofters could be required to give notes payable on demand for the receipt of seed, potatoes, and grain. If this request is granted by the Board, I earnestly ask that a cable be sent me to that effect, in order that I may obtain the seed in good time."

LIVE STOCK.

Since January there has been a serious loss of horned stock all over Manitoba and the North-West Territories. I am thankful to be able to inform the Board that the loss in the colony has been, so far, very small.

GENERAL REMARKS.

The causes of the crofters abandoning their homesteads has been set out, as far as I was able to ascertain in their individual reports. It is to be regretted that they have left the colony, as I feel sure an independent future was in store for most of them, had they but been true to the stock and homesteads given them. I do not consider that the Board will lose seriously by their abandoning. The chattels and cattle returned by them will be disposed of to the best advantage and their homesteads will, in the near future, bring the Board the full amount of their indebtedness."

KILLARNEY—continued.

Lien Number.		Name.	Acres under Cultivation, 1890.										Acres under Cultivation, 1891.										Acres under Cultivation, 1892.									
			Wheat.		Oats.		Potatoes.		Total Acres	Breaking for 1890.	Grand total 1890.	Wheat.		Oats.		Potatoes.		Total Acres	Breaking for 1891.	Grand total 1891.	Wheat.		Oats.		Potatoes.		Total Acres	Breaking for 1892.	Grand total 1892.			
			Acres.	Yield.	Acres.	Yield.	Acres.	Yield.				Acres.	Yield.	Acres.	Yield.	Acres.	Yield.				Acres.	Yield.	Acres.	Yield.	Acres.	Yield.				Acres.	Yield.	Acres.
13	—		43	473	—	—	—	75	43½	5	48½	40	880	14	518	½	80	54½	22	76½	70	700	6	132	½	92	76½	3½	80			
—	41		10	15	—	—	—	—	—	10	20	10	100	14	210	—	—	24	10	34	30	240	4	80	—	—	34	26	60			
14	—		35	625	—	—	—	76	35½	23	58½	50	1,150	8	298	½	70	58½	15	73½	60	720	10	310	½	82	70½	24½	95			
—	59		10	150	—	—	—	—	—	10	10	20	360	—	—	—	—	20	20	40	40	280	—	—	—	—	40	—	40			
15	—		32	416	—	—	—	60	32½	6	41½	37	703	4	244	½	8½	41½	22	63½	60	480	3	93	½	57	63½	—	63½			
—	60		5	75	—	—	—	—	5	—	5	30	540	—	—	—	—	30	30	60	50	300	—	—	—	—	50	10	60			
16	—		28	440	—	—	—	40	30½	15	45½	45	810	—	—	½	51	45½	31	76½	70	150	—	—	—	58	70½	6	76½			
—	42		8	40	—	—	—	—	—	8	40	20	360	—	—	½	43	20½	28	48½	40	240	—	—	—	—	40	10	50			
17	—		40	400	—	—	—	50	43½	20	63½	40	840	3	168	½	52	43½	20	63½	60	900	3	135	1	120	64	14	78			
—	43		—	—	—	—	—	—	—	—	—	25	450	2	118	—	—	27	—	27	25	250	2	38	—	—	27	—	27			
—	61		5	90	—	—	—	—	5	—	5	—	—	—	—	—	—	—	5	5	5	60	—	—	—	—	5	10	15			
18	—		38	836	—	—	—	90	45½	14	59½	45	675	10	350	½	80	55½	20	75½	60	540	15	300	½	75	75½	25	100½			
—	44		—	—	—	—	—	—	—	—	—	10	180	—	—	—	—	10	35	45	40	480	4	120	1	100	45	5	50			
19	—		35½	426	—	—	—	80	37½	12	49½	50	1250	2	60	½	67	52½	8	60½	55	550	4	108	1	111	60	5	65			
21	—		28	308	—	—	—	60	30½	18	48½	45	—	3	—	½	60	48½	20	68½	60	660	8	336	1	87	69	11	80			
—	45		5	85	—	—	—	—	5	26	31	20	340	—	—	—	—	20	25	45	40	480	5	185	—	—	45	—	45			
—	62		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	10	130	—	—	—	—	10	6	16			
—	63		—	—	—	—	—	—	—	17	17	12	192	5	240	—	—	17	5	22	20	160	2	40	—	—	22	10	32			
22	—		40	520	—	—	—	100	41½	—	41½	40	800	1	43	½	80	41½	15	56½	50	260	5	60	1	110	56	24	80			
—	46		8	136	—	—	—	—	8	8	16	16	288	—	—	—	—	16	16	32	16	96	—	—	—	—	16	16	32			
—	64		5	50	—	—	—	—	5	10	15	15	285	—	—	—	—	15	10	25	15	90	—	—	—	—	15	10	25			
23	—		35	420	—	—	—	110	37½	12	49½	50	1000	4	175	½	100	54½	17	71½	70	280	5	85	1	98	76	15	91			
—	47		7½	92	—	—	—	—	7½	16	23½	20	240	1	39	½	—	21½	25	46½	40	360	—	—	—	—	40	10	50			
24	—		45	900	—	—	—	80	43½	20	63½	60	1060	3	117	½	79	63½	15	78½	70	540	7	224	1	104	78	2	80			
—	65		13	378	—	—	—	—	13	—	13	16	288	2	80	—	—	13	—	18	16	160	3	81	—	—	18	18	36			
—	52		4	80	—	—	—	—	4	12	16	16	304	—	—	—	—	16	—	16	16	112	—	—	—	—	16	16	32			

KILLARNEY—continued.

Lien Number.	Young Men.	Name.	Acres under Cultivation, 1890.						Acres under Cultivation, 1891.						Acres under Cultivation, 1892.															
			Wheat.		Oats.		Potatoes.		Total Acres	Breaking for 1890.	Grand total 1890.	Wheat.		Oats.		Potatoes.		Total Acres	Breaking for 1891.	Grand total 1891.	Wheat.		Oats.		Potatoes.		Total Acres	Breaking for 1892.	Grand total 1892.	
			Acres.	Yield.	Acres.	Yield.	Acres.	Yield.				Acres.	Yield.	Acres.	Yield.	Acres.	Yield.				Acres.	Yield.	Acres.	Yield.	Acres.	Yield.				Acres.	Yield.	Acres.	Yield.
25	—	Angus Morrison	35	425	3	81	1	75	58½	8	46½	46	920	—	—	—	100	46½	10	56½	40	450	10	310	1	87	51	30	81	
—	66	Archibald Morrison	10	150	—	—	—	—	10	—	—	25	435	—	—	—	—	25	20	45	45	960	—	—	—	—	45	—	45	
26	—	Donald McKinnon	45	900	5	225	1	60	50½	—	50½	50	1550	—	—	—	75	50½	30	80½	70	1280	10	410	1	72	81	—	81	
—	67	Catherine McKinnon	7	126	—	—	—	—	7	22	30	30	470	—	—	—	—	30	6	36	20	240	—	—	—	—	20	16	36	
—	48	Kenneth McKinnon	5	—	—	—	—	—	5	14½	10½	20	320	—	—	—	—	20	15	35	30	900	—	—	—	—	30	15	45	
27	—	Donald Stewart	60	1500	10	350	1	75	70½	30	100½	70	1540	10	360	1	68	80½	30	110½	90	900	10	500	1	98	101	15	116	
—	49	Kenneth Stewart	6	120	—	—	—	—	—	6	10	15	240	—	—	—	—	15	10	25	25	900	—	—	—	—	25	10	35	
—	68	William McLeod	6	120	—	—	—	—	—	6	10	16	256	—	—	—	—	16	10	26	20	180	—	—	—	—	20	15	35	
28	—	Ronald McKay	40	720	2	80	1	63	42½	25	67½	60	1,200	5	210	1	70	65½	25	90½	80	800	10	900	1	91	90½	25½	116	
—	69	Dugald McKenzie	35	595	2	80	1	60	37½	12	49½	47	848	2	74	1	57½	49½	12	61½	50	1,000	9	405	1	93	60	20	80	
—	70	Donald McKenzie	5	100	—	—	—	—	—	5	12	27	486	—	—	—	—	27	16	43	40	640	3	81	—	—	43	—	43	
—	71	John McKay	5	80	—	—	—	—	—	5	25	30	490	—	—	—	—	30	20	50	50	550	—	—	—	—	50	15	65	
—	71	Hugh Morrison	10	170	—	—	—	—	—	10	15	20	400	—	—	—	—	20	15	35	35	350	—	—	—	—	35	25	60	
30	—	Roderick McKay	36	648	1½	45	—	21	37½	7	44½	40	760	1	164	1	55	44½	20	64½	60	900	4	108	1	60	64½	18½	88	
—	72	John McKay	5½	88	—	—	—	—	—	5½	9	14½	280	—	—	—	—	14	14	28	28	280	—	—	—	—	28	2	30	
31	—	Bannatyne McKinnon	43	602	2	56	—	—	45	23	68	65	1,300	3	141	1	55	68½	40	108½	70	840	10	400	1	93	81	30	111	
—	50	Kenneth McMillan	8	112	—	—	—	—	—	8	10	12	216	—	—	—	—	12	12	24	20	280	4	204	—	—	24	—	24	24
32	—	Kenneth McLeod	32	544	—	—	—	—	—	32	18	50	1,100	—	—	—	—	50½	8	58½	55	715	2	54	1	92	58	12	70	
33	—	John Fraser	30	540	—	—	—	—	—	30½	15	45½	40	1,040	—	—	—	—	40½	20	60½	60	900	—	—	1	62	60½	28½	90
—	51	Donald Fraser	5	85	—	—	—	—	—	5	15	20	350	6	210	—	—	—	20	7	27	27	162	—	—	—	—	27	—	27
Totals			1336½	20,324	74	2168	9½	1762	1,420	825½	2,245½	2,120	86,974	164	5,319	11½	2,013	2,234½	1,250	3,645½	3,089	81,594	301	9,406	25½	3,041	3,415½	780½	4,186	4,186

G. B. BORRADAILE,
Agent.

RECAPITULATION.

	Wheat.			Oats.			Potatoes.			Total Value of Farm Produce.	Total Acres under Cultivation.	Total Breaking, Backsetting, and Summer Fallow.	Grand Total.
	Acres.	Yield.	Autumn Market Value.	Acres.	Yield.	Autumn Market Value.	Acres.	Yield.	Autumn Market Value.				
—													
For season 1890 -	1,336 $\frac{3}{4}$	20,324	\$ 12,194.40	74	2,168	\$ 433.60	9 $\frac{1}{2}$	1,762	\$ 387.64	\$ 13,015.64	1,420	825 $\frac{1}{2}$	2,245 $\frac{1}{2}$
For season 1891 -	2,120	36,974	12,940.90	164	5,819	1,163.80	11 $\frac{1}{2}$	2,018	363.34	14,467.04	2,295 $\frac{1}{2}$	1,250	3,545 $\frac{1}{2}$
For season 1892 -	3,089	31,599	14,219.55	301	9,406	1,881.20	25 $\frac{1}{2}$	3,041	699.43	16,800.18	3,415 $\frac{1}{2}$	780 $\frac{1}{2}$	4,196

G. B. BORRADAILE,
Agent.

RECAPITULATION.

	Horses.		Oxen.		Cows.		Heifers.		Steers.		Oxen, I. C. B.		Cows, I. C. B.	
	No.	Average Price.	No.	Average Price.	No.	Average Price.	No.	Average Value.	No.	Average Value.	No.	Average Value.	No.	Average Value.
For season 1890 - - -	3	\$ 525.00	14	\$ 840.00	21	\$ 630.00	30	\$ 540.00	29	\$ 580.00	56	2,240.00	36	\$ 1,080.00
For season 1891 - - -	31	5,425.00	44	2,640.00	17	510.00	16	288.00	18	360.00	54	2,160.00	33	990.00
For season 1892 - - -	41	7,175.00	21	1,260.00	13	390.00	15	270.00	21	420.00	40	1,000.00	33	990.00

G. B. BORRADAILE,
Agent.

APPENDIX "B."
SALTCOATS CROFTERS, 1892.

Lien Number.	Heads of Families.	Younger Members.	Acres under Cultivation.										Total Acres under Cultivation, 1892.	Breaking for 1893.	Grand Total 1893.	Total Tons of Hay cut.	Live Stock on Farms.																		
			1890.					1891.									1892.					Horses.	Oxen, I. C. B.	Oxen.	Cows, I. C. B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Ducks.	Geese.	Turkeys.	Pigs.	Sheep.
			Wheat.	Wheat.	Oats.	Oats.	Potatoes.	Wheat.	Wheat.	Oats.	Oats.	Potatoes.					Wheat.	Wheat.	Oats.	Oats.	Potatoes.														
2	Kenneth McIver	-	8	13	14	5	7	10	1	1	1	25	-	25	15	-	2	-	-	1	2	1	-	-	20	-	-	-	-	-	-				
2/51	-	Murdoch McIver	-	-	6	-	-	4	-	-	-	10	-	10	15	-	2	-	-	2	1	-	-	-	-	-	-	-	-	-	-				
4	Catherine McDonald	-	-	3 1/2	6	-	-	1 1/2	-	-	-	7	-	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
5	Malcolm McKay	-	3	8	15	5	11	10	1	1	1	25 1/2	-	25 1/2	40	1	2	-	1	2	3	-	-	-	50	-	-	-	-	-	3				
5/54	-	Donald McKay	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
5/95	-	Neil McKay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
6	Donald Morrison	-	2	10	15	4	4	5	1	1	1	21	-	21	30	-	2	-	2	4	5	4	1	-	35	-	-	3	-	-	-				
7	Norman McAulay	-	4	8	12	4	4	4	1	1	1	16 1/2	-	16 1/2	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
10	Donald McDonald	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
11	Charles Docherty	-	6	10	20	6	12	15	1	1	1	36 1/2	-	36 1/2	15	1	2	-	1	3	2	2	1	-	60	-	-	3	-	-	-				
11/58	-	John Docherty	-	-	10	-	12	2	-	-	-	12	-	12	12	-	3	-	3	1	1	1	1	-	-	-	-	-	-	-	-				
12	Alexander McDonald	-	6	8	12	5	9	7	1	1	1	19 1/2	-	19 1/2	35	-	3	-	3	1	4	2	1	-	50	-	-	10	-	-	-				
14	Donald Graham	-	6	16	14	7	5	6	1	1	1	20 1/2	-	20 1/2	18	-	3	-	3	-	2	1	-	-	30	-	-	-	-	-	-				
15	Angus Smith	-	-	2	5	-	5	5	1	1	1	10 1/2	-	10 1/2	-	-	2	-	1	-	1	-	-	-	-	-	-	-	-	-	-				
15/80	-	Roderick Smith	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
16	Alexander McLean	-	5	8	14	3	6	6	1	1	1	21	-	21	25	-	2	-	2	2	2	1	-	20	-	-	-	-	-	-	-				
16/61	-	Alexander McLean	-	-	10	-	-	5	-	-	-	15	-	15	10	-	3	-	2	-	1	3	-	-	-	-	-	-	-	-	-				
17	John McLean	-	7	12	-	3	7	-	1	1	1	-	-	-	-	-	2	-	6	3	4	1	1	10	-	-	-	-	-	-	-				
19	Margaret McKay	-	-	3	3	-	1	2	1	1	1	5 1/2	-	5 1/2	15	-	2	-	1	1	-	-	-	25	-	-	-	-	-	-	-				
19/65	-	Morrison McKay	-	-	5	-	-	5	-	-	-	10 1/2	-	10 1/2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
20	Kenneth Murray	-	1	3	5	-	3	5	1	1	1	11	-	11	-	-	2	-	1	-	-	-	-	-	-	-	-	-	-	-	-				
22	Alexander Mitchell	-	3	8	10	5	5	5	1	1	1	15 1/2	-	15 1/2	14	-	2	-	1	-	3	-	-	-	40	-	-	2	1	-	-				
24	Malcolm McDonald	-	3	8	10	3	5	8	1	1	1	20	-	20	-	-	3	-	2	-	-	-	-	-	-	-	-	-	-	-	-				
25	Donald McDonald	-	4	9	20	5 1/2	10 1/2	6	1	1	1	27	-	27	30	-	2	-	3	-	4	2	-	-	60	-	-	6	-	-	-				
25/71	-	Murdo McDonald	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
26	Angus McKay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2	-	-	-	-	-	-	-	-	-	-	-	-				

SALTCOATS CROFTERS—continued.

Lien Number	Heads of Families.	Younger Members.	Acres under Cultivation.										Total Acres under Cultivation, 1892.	Breaking for 1893.	Grand Total 1893.	Total Tons of Hay cut.	Live Stock on Farms.																		
			1890.					1891.									1892.					Horses.	Oxen, I. C. B.	Oxen.	Cows, I. C. B.	Cows.	Heifers.	St	Bulls.	Chickens.	Ducks.	Geese.	Turkeys.	Pigs.	Sheep.
			Wheat.	Wheat.	Wheat.	Oats.	Oats.	Wheat.	Oats.	Oats.	Potatoes.	Potatoes.					Potatoes.	Potatoes.	Potatoes.																
28	Robert McKay	.	.	1	3	10	15	7	10½	6	½	½	1	22	—	22	25	—	2	2	4	3	1	40	—	—	—	—	—	—	—	2	—		
31	Donald Morrison	.	.	1	2	10	5	3	2	8	½	½	2	15	10	25	20	—	3	2	3	3	—	24	—	—	—	—	—	—	—	—	—		
32	John McKay	.	.	1	4	12	17	7	10	7	1	2	1	25	—	25	20	—	2	3	2	3	—	40	—	—	—	—	—	—	—	—	—		
32/74	.	Malcolm McKay	.	—	—	13	2	—	—	20	—	—	—	22	—	22	14	—	2	—	1	1	—	—	—	—	—	—	—	—	—	—	—		
35	Peter Morrison	.	.	1	1	5	10	5	6	5	½	½	½	15½	—	15½	32	—	3	—	4	2	—	20	—	—	—	—	—	—	—	—	—		
36	Donald McDonald	.	.	1	3	10	—	6	15	22	1	½	1	23	10	33	34	—	2	—	3	1	—	43	—	—	—	—	—	—	—	—	—		
36/77	.	Alexander McDonald.	.	—	—	—	—	—	—	—	—	—	—	—	12	12	—	—	1	2	—	—	—	—	—	—	—	—	—	—	—	—	—		
36/77B	.	John McDonald	.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
36/96	.	Mary McDonald	.	—	—	—	10	—	—	—	—	—	—	10	5	15	10	—	—	—	1	1	—	50	—	—	—	—	—	—	—	—	—		
37	Roderick McKay	.	.	1	2	6	15	4	6	1	½	½	—	16	7	23	28	—	2	2	1	2	2	25	—	—	—	—	—	—	—	—	—		
37/78	.	Angus McKay	.	—	—	—	—	—	—	—	—	—	—	—	15	15	10	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—		
39	Ewen McKay	.	.	1	3	7	15	7	8	15	½	½	½	30½	9½	40	25	—	3	1	3	2	—	100	—	—	—	—	—	—	—	—	—		
40	Niel McSween	.	.	1	2½	15	15	4	3	8	½	½	—	24	6	30	35	—	3	2	1	3	—	40	—	—	—	—	—	—	—	—	—		
40/80	.	Torlach McSween	.	1	—	4	10	—	—	1	—	—	—	11½	2½	14	14	—	2	—	1	1	—	16	—	—	—	—	—	—	—	—	—		
42	Alex Murray	.	.	1	4	8	15	5	17	10	½	½	½	25½	—	25½	—	—	1	—	—	3	—	25	—	—	—	—	—	—	—	—	—		
43	Archibald Ferguson	.	.	2	5	10	20	7	22	15	1	1	½	35½	4	39½	30	—	4	1	2	2	—	21	—	—	—	—	—	—	2	9	—		
47	John McIver	.	.	1	4	8	13	3	6	10	½	½	1	24	—	24	30	—	—	—	—	4	—	15	—	—	—	—	—	—	—	—	—		
47/85	.	John McIver	.	—	—	—	—	—	—	—	—	—	—	—	5	5	12	—	—	1	—	—	1	—	—	—	—	—	—	—	—	—	—		
47/88	.	Donald McIver	.	—	—	—	4	—	—	—	—	—	—	4	8	12	12	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—		
49	Donald McLeod	.	.	1	—	4	—	7	2	—	½	½	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
		Totals	.	38	24	47	4	4	1	36	91½	251½	372	120½	215½	238	15	15½	22½	637½	137½	774½	680	2	79	—	77	28	67	52	10	839	31	8	9

SALTCOATS CROFTERS.

RECAPITULATION.

Number of Homesteads.		Wheat.		Oats.		Potatoes.		Total Acres under Cultivation.	Breaking.	Grand Total.	Tons of Hay Cut.	Live Stock on Homesteads.												Remarks.									
		Acres.	Yield.	Acres.	Yield.	Acres.	Yield.					Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Ducks.	Geese.	Turkeys.		Pigs.	Sheep.							
Saltcoats Homestead :																																	
For 1892	-	372	-	238	-	22½	-	637½	137½	774½	680	2	79	-	77	28	67	52	10	859	-	-	31	8	9								
For 1891	-	271½	-	223½	-	19½	3592	514½	178½	692½	711	2	76	-	69	24	64	47	17	724	-	-	3	2	5								
Increase	-	100½	-	14½	-	3½	-	123½	-	81½	-	-	3	-	8	4	3	5	-	135	-	-	28	6	4								
Decrease	-	-	-	-	-	-	-	-	41½	-	80	-	-	-	-	-	-	-	7	-	-	-	-	-	-								

[November, 1893.]

COMMERCIAL. No. 7 (1893).

DESPATCH

FROM THE

MARQUIS OF DUFFERIN AND AVA

FORWARDING THE

AGREEMENT SIGNED ON THE 6TH FEBRUARY, 1893,

RELATIVE TO

TRADE BETWEEN CANADA AND FRANCE.

*Presented to both Houses of Parliament by Command of Her Majesty.
April 1893.*

LONDON:

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Despatch from the Marquis of Dufferin and Ava forwarding the Agreement signed on the 6th February, 1893, relative to Trade between Canada and France.

The Marquis of Dufferin to the Earl of Rosebery.—(Received February 8.)

My Lord,

Paris, February 6, 1893.

I HAVE the honour to transmit to your Lordship herewith the English and French texts of the commercial arrangement between Great Britain and France with regard to the trade between Canada and France, which, in accordance with the instructions contained in your Lordship's despatch of the 2nd instant, Sir Charles Tupper and myself, Her Majesty's Plenipotentiaries, have signed this day with M. Develle, the French Minister for Foreign Affairs, and M. Siegfried, the Minister of Commerce, the Plenipotentiaries of the Government of the French Republic.

I also inclose the texts of the notes at the same time exchanged between M. Develle and myself in accordance with the authority conveyed in your Lordship's above-mentioned despatch.

I have, &c.
(Signed) DUFFERIN AND AVA.

Inclosure 1.

Agreement regulating the Commercial Relations between Canada and France in respect of Customs Tariffs.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, being alike desirous of facilitating and extending commercial relations between Canada and France, have resolved to conclude an Agreement to this end, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Excellency the Marquis of Dufferin and Ava, a Peer of the United Kingdom, a Member of the Most Honourable Privy Council, Vice-Admiral of Ulster, Warden and Keeper of the Cinque Ports, Constable of the Castle of Dover, &c., &c., her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic; and Sir Charles Tupper, Baronet, High Commissioner for Canada in London ;

The President of the French Republic, his Excellency M. Jules Develle, Deputy, and Minister for Foreign Affairs; and his Excellency M. Siegfried, Deputy, Minister for the Department of Commerce, Industry, and of the Colonies ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

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Arrangement destiné à régler en matière des Tarifs Douaniers les Relations Commerciales entre le Canada et la France.

SA Majesté la Reine du Royaume Uni de Grande-Bretagne et d'Irlande, et le Président de la République Française, également animés du désir d'améliorer et étendre les relations commerciales entre le Canada et la France, ont résolu de conclure un Arrangement à cet effet, et ont nommé pour leurs Plénipotentiaires respectifs :

Sa Majesté la Reine du Royaume Uni de la Grande-Bretagne et d'Irlande, son Excellence M. le Marquis de Dufferin et Ava, Pair du Royaume, Membre du Conseil Privé, Vice-Amiral d'Ulster, Protecteur et Gardien des Cinque Ports et Connétable du Château de Douvres, &c., &c., son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française; et Sir Charles Tupper, Baronet, Haut Commissaire du Canada à Londres ;

Le Président de la République Française, son Excellence M. Jules Develle, Député, Ministre des Affaires Étrangères; et son Excellence M. Siegfried, Député, Ministre du Commerce, de l'Industrie, et des Colonies ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Wines, sparkling and non-sparkling, common soaps, savons de Marseille (Castile soaps), and nuts, almonds, prunes, and plums of French origin entering Canada, shall enjoy the following advantages:—

1. Non-sparkling wines gauging 15 degrees by the centesimal alcoholometer or less, or, according to the Canadian system of testing, containing 26 per cent. or less of alcohol, and all sparkling wines, shall be exempted from the surtax or *ad valorem* duty of 30 per cent.

2. The present duty charged on common soaps, savons de Marseille (Castile soaps) shall be reduced by one-half.

3. The present duty charged on nuts, almonds, prunes, and plums shall be reduced by one-third.

ARTICLE II.

Any commercial advantage granted by Canada to any third Power, especially in Tariff matters, shall be enjoyed fully by France, Algeria, and the French Colonies.

ARTICLE III.

The following articles of Canadian origin imported direct from that country, accompanied by certificates of origin, shall receive the advantage of the Minimum Tariff on entering France, Algeria, or the French Colonies:—

Canned meats ;
Condensed milk, pure ;
Fresh-water fish, eels ;
Fish preserved in their natural form ;
Lobsters and crayfish preserved in their natural form ;
Apples and pears, fresh, dried, or pressed ;

Fruits preserved, others ;
Building timber, in the rough or sawn ;
Wood pavement ;
Staves ;
Wood pulp (cellulose) ;
Extract of chesnut and other tanning extracts ;
Common paper, machine-made ;
Prepared skins, others whole ;
Boots and shoes ;
Furniture of common wood ;
Furniture, other than chairs, of solid wood, common ;
Flooring in pine or soft wood ;
Wooden sea-going ships.

It is understood that the advantage of any reduction of duty granted to any other

ARTICLE I.

A l'entrée en Canada les vins mousseux et non mousseux, les savons communs, savons de Marseille (Castile soaps), et les noix, amandes, prunes et pruneaux d'origine Française, bénéficieront des avantages suivants:—

1. Les vins non mousseux, titrant 15 degrés de l'alcoomètre centésimal ou moins (soit d'après l'équivalent Canadien, 26 pour cent d'alcool ou moins), et tous les vins mousseux, seront affranchis de la surtaxe, ou droit *ad valorem* de 30 pour cent.

2. Le droit actuellement applicable aux savons communs, savons de Marseille (Castile soaps), sera réduit de moitié.

3. Le droit actuellement applicable aux noix, amandes, prunes et pruneaux sera réduit d'un tiers.

ARTICLE II.

Tout avantage commercial accordé par le Canada à un État tiers, notamment en matière de Tarifs, sera de plein droit étendu à la France, à l'Algérie, et à ses Colonies.

ARTICLE III.

A l'entrée en France, en Algérie, et dans les Colonies Françaises, les articles suivants originaires du Canada importés directement de ce pays et accompagnés de certificats d'origine seront admis au bénéfice du tarif minimum:—

Conserves de viandes en boîtes ;
Lait concentré pur ;
Poissons d'eau douce, anguilles ;
Poissons conservés au naturel ;
Homards et langoustes conservés au naturel ;
Pommes et poires fraîches, sèches, ou tapées ;
Fruits de table, conservés, autres ;
Bois à construire, bruts, ou sciés ;
Pavés en bois ;
Merrains ;
Pâte de bois (cellulose) ;
Extrait de chataigniers et autres sucres tannins ;
Papiers communs à la mécanique ;
Peaux préparées, autres entières ;
Bottes, bottines, et souliers ;
Meubles en bois commun ;
Meubles autres que sièges, massifs, en bois commun ;
Lames de parquet en sapin ou en bois tendre ;
Bâtiments de mer en bois.

Il est entendu que le bénéfice de toute réduction de droit accordée à un État quel-

3

Power on any of the articles enumerated above shall be extended fully to Canada.

conque sur l'un des articles énumérés ci-dessus sera étendu, de plein droit, au Canada.

ARTICLE IV.

The present Agreement, having received the sanction of the Parliament of Canada and of the French Chambers, shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible. It shall come into operation immediately after this formality has been accomplished, and shall continue in force until the expiration of twelve months after either of the Contracting Parties shall have given notice of their intention of terminating the same.

It is agreed likewise that if non-sparkling wines gauging 15 degrees at the most, or sparkling wines, become subject later on to an increase of duty in Canada, the French Government, by denouncing the present Agreement, could terminate its operation immediately without waiting until the expiration of the twelve months' delay provided for above.

In witness whereof the respective Plenipotentiaries have signed the present Agreement and affixed thereto the seals of their arms.

Done in duplicate at Paris, this 6th day of February, 1893.

(L.S.)	DUFFERIN AND AVA.
(L.S.)	CHARLES TUPPER.
(L.S.)	JULES DEVELLE.
(L.S.)	JULES SIEGFRIED.

ARTICLE IV.

Le présent Arrangement, après avoir été adopté par le Parlement du Canada et par les Chambres Françaises, sera ratifié, et les ratifications en seront échangées à Paris aussitôt que faire se pourra. Il entrera en vigueur immédiatement après l'accomplissement de cette formalité, et demeurera exécutoire jusqu'à l'expiration d'un délai de douze mois après que l'un ou l'autre des Parties Contractantes aura notifié son intention d'en faire cesser les effets.

Il est, d'ailleurs, convenu que si les vins non mousseux titrant au plus 15 degrés, ou les vins mousseux, étaient ultérieurement l'objet d'un relèvement de droit à l'entrée au Canada, le Gouvernement Français pourrait, en dénonçant le présent Arrangement, en faire cesser immédiatement les effets, sans attendre l'expiration du délai de douze mois prévu ci-dessus.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Arrangement et y ont apposé leurs cachets.

Fait à Paris, en double expédition, le 6 Février, 1893.

Inclosure 2.

The Marquis of Dufferin and Sir C. Tupper to M. Develle.

M. le Ministre,

Paris, February 6, 1893.

IN the course of the conferences which have just been concluded by the signature of an Agreement between France and Canada, regulating the commercial relations of the two countries in the matter of Tariffs, your Excellency expressed a wish that the understanding about to be come to between the two countries should also include the Customs treatment of pictures, prints, engravings, drawings, and architectural drawings entering Canada.

The Government of the Republic is of opinion that the treatment above alluded to should be as follows:—

“The Government of the Dominion of Canada engages, on the one hand, to maintain the freedom of duty assured in the Article 764 of the Canadian Tariff, in respect of pictures and water-colours executed by artists of known merit, and copies of great masters made by the said artists, and, on the other hand, to reduce from 20 per cent. to 5 per cent. the duty in Article 308 of the same Tariff relative to pictures, engravings, drawings, and architectural drawings.”

As verbally agreed, we have the honour to inform your Excellency that these demands will be recommended by the Undersigned to the Canadian Government. It is meanwhile understood that if, as we hope, the Government of the Dominion of Canada thinks it possible to give satisfaction to the Government of the French Republic on this point, the

French Government will consent, on its part, to add cheeses to the list of articles of Canadian origin which, in the terms of Article 3 of the Agreement signed this day, will be admitted in France, Algeria, and her Colonies to the advantages of the Minimum Tariff.

We take this opportunity of confirming what we already made known to your Excellency during the progress of these conferences, viz., that the Canadian Parliament, desirous of favouring the development of commercial relations between the two countries, has voted a subvention of 100,000*l.* for the purpose of establishing a line of steamers to run between a Canadian port on one side and a French terminus port on the other.

We have, &c.
(Signed) DUFFERIN AND AVA.
CHARLES TUPPER.

Inclosure 3.

M. Develle to the Marquis of Dufferin and Sir C. Tupper.

M. l'Ambassadeur,

Monsieur,

Paris, le 6 Février, 1893.

PAR une lettre en date de ce jour vous avez bien voulu me déclarer que vous appuieriez auprès de votre Gouvernement les démarches dont j'ai eu l'honneur de vous entretenir en ce qui concerne le régime douanier des tableaux, estampes, gravures, dessins et plans d'architectes de provenance Française à l'entrée au Canada. Ainsi que vous l'indiquez, le Gouvernement de la République désirerait que ce régime fut fixé comme il suit : le Gouvernement du Dominion s'engagerait, d'une part, à maintenir le bénéfice de la franchise inscrite dans l'Article 764 du tarif Canadien en ce qui concerne "les tableaux et aquarelles faits par des artistes d'un mérite avéré et les copies des grands maîtres par les dits artistes," et d'autre part, de réduire de 20 pour cent à 5 pour cent le droit inscrit dans l'Article 308 du même tarif relativement aux "tableaux, estampes, gravures, dessins et plans d'architectes."

Il est d'ailleurs entendu que si, comme nous l'espérons, le Gouvernement du Dominion croit pouvoir donner satisfaction au Gouvernement de la République sur ce point, le Gouvernement Français consentira, de son côté, à ajouter les fromages sur la liste des articles d'origine Canadienne, qui, aux termes de l'Article 3 de l'Arrangement signé aujourd'hui, doivent être admis en France et dans ses Colonies au bénéfice du tarif minimum.

Vous avez bien voulu me confirmer, en même temps, ce que vous m'aviez fait connaître au cours des pourparlers, à savoir, que le Gouvernement du Dominion désirant favoriser le développement des relations commerciales entre les deux pays, a décidé de donner une subvention de 100,000 livres sterling à une ligne de paquebots dont le point de départ serait un port Canadien et le port terminus un port Français.

Je m'empresse de vous accuser réception de cette communication, et de vous en remercier.

Vous m'avez demandé, en outre, de prendre en considération les intérêts des importateurs Canadiens en ce qui concerne les droits d'entrée à Saint-Pierre et Miquelon. J'ai l'honneur de vous informer qu'il a été particulièrement tenu compte de ces intérêts dans la discussion qui a eu lieu devant le Conseil d'État et que le Décret spécial rendu sur l'avis de cette assemblée est dès à présent en vigueur.

Veillez agréer, &c.
(Signé) JULES DEVELLE.

(Translation.)

My Lord,

Sir,

Paris, February 6, 1893.

IN your note of to-day you were good enough to inform me that you would support with your Government the requests I have made to you relative to the treatment by the Canadian Customs of paintings, prints, engravings, drawings, and architectural drawings of French origin, at their entry into Canada. As you state, the Government of the Republic desire that that treatment should be arranged as follows: the Government of the Dominion of Canada would engage on the one hand to maintain the freedom of duty assured in the Article 764 of the Canadian Tariff in respect of "pictures and water-colours executed by artists of known merit and copies of great masters made by the said artists," and, on

the other hand, to reduce from 20 per cent. to 5 per cent. the duty in Article 308 of the same Tariff relative to "pictures, prints, engravings, drawings, and architectural drawings."

It is moreover understood that if, as we hope, the Government of the Dominion think it possible to give satisfaction to the Government of the French Republic on this point, the French Government will consent, on their part, to add cheeses to the list of articles of Canadian origin which, in the terms of Article 3 of the Agreement signed this day, will be admitted in France and her Colonies to the advantages of the Minimum Tariff.

You have also been good enough to confirm what you had already made known to me during the progress of these conferences, viz., that the Government of the Dominion, desirous of favouring the development of commercial relations between the two countries, have voted a subvention of 100,000*l.* for the purpose of establishing a line of steamers to run between a Canadian port on the one side and a French terminus port on the other.

I hasten to acknowledge the receipt of this communication, and to thank you for it.

You asked me, in addition, to take into consideration the interests of Canadian importers as regards the import dues at St. Pierre and Miquelon. I have the honour to inform you that, in the discussion which took place before the Council of State, these interests were specially considered, and that the special Decree issued on the advice of that Assembly is now in operation.

Accept, &c.
(Signed) JULES DEVELLE.

Despatch from the Marquis of Dufferin and Ava forwarding the Agreement signed on the 6th February, 1893, relative to Trade between Canada and France.

Presented to both Houses of Parliament by Command of Her Majesty. April 1893.

LONDON:

PRINTED BY HARRISON AND SONS.

NEWFOUNDLAND.

FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES.

(*In continuation of [C. 6365] May 1891 and [C. 6703] June 1892.*)

Presented to both Houses of Parliament by Command of Her Majesty,
August, 1893.



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1893.

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1	To Sir W. Whiteway	August 3	Recapitulates communications with delegates as to terms of permanent Act, and encloses copy of draft as settled.	1
2	Sir T. O'Brien -	December 23 (Rec. Jan. 1, 1892.)	Reports that his Government desire to postpone action on the French Treaties Bill until the whole of the delegates recently in England are in the Colony.	9
		1892.		
3	Ditto - -	April 20 Telegraphic. (Extract.)	Reports that the Premier will proceed with the Treaties Bill next week, but has grave doubts whether he will succeed	9
4	To Sir T. O'Brien -	April 22 Telegraphic.	States in reply to Governor's telegram of 20th April that the Secretary of State trusts the Treaties Bill will be passed.	9
5	Sir T. O'Brien -	(Rec. May 17) Telegraphic.	Transmits a Resolution of the Legislative Assembly agreeing to extend the operation of the temporary Act for a further period of two years, to afford time for further negotiations, and referring the further consideration of the question to a Joint Committee of both Houses with a view to aiding Her Majesty's Government in procuring a satisfactory solution of all existing difficulties.	9
6	Ditto - -	June 8 (Rec. June 16.)	Transmits a partial report of the debate in the House of Assembly on the French Treaties Bill.	10
7	Ditto - -	June 22 (Rec. June 30.)	Forwards the remaining portion of the report of the debate on the French Treaties Bill.	41
		1893.		
8	To Sir T. O'Brien -	February 7 Telegraphic.	Instructs him to report by telegraph the intentions of Ministers with reference to permanent treaty legislation.	79
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10	To Sir T. O'Brien -	Feb. 16 Telegraphic.	Observes that the arbitration cannot proceed until permanent legislation is secured, and that, unless the Colonial Legislature fulfil the pledges of the delegates, Her Majesty's Government will have no alternative but to introduce Imperial legislation.	80
11	Sir T. O'Brien -	(Rec. Feb. 27.) Telegraphic.	Reports that his Ministers cannot move in the matter of treaty legislation until the Select Committee which is now considering the matter reports.	80
12	Foreign Office -	Feb. 27	Transmits draft of a note to the French Ambassador proposing a renewal of the <i>modus vivendi</i> for the coming season.	80
13	To Foreign Office -	Mar. 2 (Extract.)	Concurs in draft note to the French Ambassador respecting renewal of the <i>modus vivendi</i> .	81
14	To Sir T. O'Brien -	Mar. 9 Telegraphic.	Instructs him to send by telegraph as soon as possible the report of the Joint Committee.	81

Serial No.	From or to whom.	Date.	Subject.	Page
		1893.		
15	Sir T. O'Brien -	(Rec. Mar. 9) Telegraphic.	Reports that Joint Committee of Legislature express readiness to enact conditionally legislation fulfilling proposals made by delegates. They protest against Imperial legislation or limited arbitration. They urge that the Lobster Question should not be proceeded with at present, and express readiness to continue <i>modus vivendi</i> till end of 1895.	81
16	Ditto -	(Rec. Mar. 15) Telegraphic.	States that the report of the Select Committee has been adopted by both Houses.	82
17	Ditto -	Mar. 13 (Rec. Mar. 27)	Transmits the report of the Joint Committee of the Legislature on the question of Treaty Shore legislation, with copy of a protest by Mr. Harvey against certain portions of the report.	82
18	Foreign Office -	Apr. 6	Transmits copy of a note from M. Waddington agreeing to the renewal of the <i>modus vivendi</i> for the coming season, and asks that all necessary steps may be taken by the Colonial Office.	91
19	To Foreign Office -	Apr. 15	Transmits copy of a Despatch forwarding the report of the Joint Committee, and states proposed course thereon; suggests terms of a reply to M. Waddington's note enclosed in Foreign Office letter of 6th April.	92
20	To Sir T. O'Brien -	Apr. 19 Telegraphic.	States, in reply to his Despatch of 13th March, that negotiations for a general settlement are impossible until the arbitration has been concluded, and that Ministers should procure an extension of the temporary Act.	93
21	Foreign Office -	Apr. 19	Concurs in course proposed in Colonial Office letter of 15th April with regard to the report of the Joint Committee; encloses copy of a note to M. Waddington in reply to his note of 4th April.	93
22	Sir T. O'Brien -	Apr. 26 (Rec. Apr. 26) Telegraphic.	Reports that his Government are prepared, without prejudice, to re-enact the temporary Act for one year.	94
23	To Sir T. O'Brien -	Apr. 27 Telegraphic. (Extract.)	Informs him that Her Majesty's Government cannot accept an extension of the temporary Act for one year as satisfactory, but must insist that it be continued to the end of 1895.	94
24	Sir T. O'Brien -	(Rec. May 2) Telegraphic.	Reports that Mr. Bond is introducing a continuing Act, but that some difficulty is expected on account of the promise of compensation made by Her Majesty's Government.	94
25	Foreign Office -	May 2	Observes that the statement made by Mr. Morine, in the debate on treaty legislation, that Her Majesty's Government had promised that the Judicial Commissioners should be appointed by the Colonial Government is altogether incorrect.	95
26	To Sir T. O'Brien -	May 6 Telegraphic.	Observes that the undertakings given by Her Majesty's Government in the telegram of 19th April are dependent upon the extension of the temporary Act for two years during the present session.	95
27	Sir T. O'Brien -	(Rec. May 16) Telegraphic.	Transmits a resolution of the Joint Select Committee agreeing to recommend the passing of a measure extending the temporary Act for two years, provided compensation is assured.	95

Serial No.	From or to whom.	Date.	Subject.	Page.
		1893.		
28	To Sir T. O'Brien -	May 19 Telegraphic.	Informs him that Her Majesty's Government are prepared to renew the offer they made in 1891 to consider the question of compensation to persons injuriously affected by the award of the Arbitration Commission.	95
29	Ditto - -	May 19	Conveys the views of Her Majesty's Government upon the report of the Joint Select Committee; recapitulates the correspondence which took place with the delegates in 1891, and points out the obligation which lies upon the Colonial Government of enacting the legislation necessary to enable Her Majesty's Government to enforce their treaty engagements, and to carry out the arbitration with France.	96
30	Sir T. O'Brien -	(Rec. May 23) Telegraphic.	Reports that the Bill for extending the temporary Act for two years has passed the Lower House by thirteen to five.	102

NEWFOUNDLAND.

FURTHER CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES.

No. 1.

COLONIAL OFFICE to SIR W. WHITEWAY.

SIR,

Downing Street, August 3, 1891.

REFERRING to your interview with Lord Knutsford on the 21st July, which brought to a conclusion the discussions respecting the permanent Bill which it is proposed should be passed by the Legislature of the Colony for the enforcement of the French Treaties and Arbitration Award, I am to invite your consideration of the following observations.

2. On the 21st of April the delegates transmitted to the Marquis of Salisbury a memorandum of their proposals which contained the following paragraph :—

“(c.) The terms of an Act to empower courts and provide for regulations to enforce the treaties and declarations to be discussed and arranged with the delegates now in this city, as rapidly as possible, and to be enacted by the Legislature of the Colony as soon as agreed upon.”

3. This paragraph was quoted by you when addressing the House of Lords on the 23rd of April, but you did not then enter into the details of the proposed measure. On the 1st of May, however, the delegates addressed a letter to Lord Knutsford explaining their wishes at some length in the following paragraphs :—

“Heretofore the orders, regulations, and instructions of Her Majesty in Council for securing the observance of the Treaties and Declarations with France have been carried into effect by naval officers, who have apprehended, judged, and punished our fellow Colonists, combining, in fact, the functions of policeman, judges and juries, and no right either of appeal or redress has been possessed by those who may have considered themselves aggrieved. We do not desire to cast any imputations on the naval officers, many of whom have proven true friends of the Colony, but the very nature of their duties and powers has made hardship inevitable. We propose that they should now be relieved of a portion of their functions. They may continue to patrol the treaty coasts, and may apprehend those against whom complaint is made for infringement of fishing rights ; but in all cases the decision upon such complaints should be given by a qualified judicial officer appointed for the purpose, who would hear the evidence in each case and decide summarily, and whose decision the naval officers could carry into effect. In cases of complaint of interruption of rights of fishing the judicial officers should have power upon the trial of such complaints, to issue and enforce such orders or injunctions as they deemed necessary to prevent such interruptions, and the parties to such complaints should have a right of appeal upon points of law to the Supreme Court of the Colony, and from the Supreme Court to the Privy Council, but not so as to prevent the execution of any orders or injunctions issued for the purpose of preventing any interruptions complained of. In cases of complaints rising upon the land, however, the decision of the judicial officer should not be enforceable, if and when an appeal upon points of law had been taken to the Supreme Court, and the Supreme Court on circuit should also be made a court of first instance in cases concerning such complaints, if the parties making complaints preferred to commence their actions in such Supreme Court. The judicial officers should have a knowledge of local conditions, and of the manner of carrying on the fishery, and they should of course be thoroughly acquainted with legal procedure. It would therefore be necessary that they should be appointed by the Colonial Government, with the approval of Her Majesty in Council, and with such other safeguards as might be deemed necessary to secure their thorough impartiality. It would be necessary, perhaps, to provide that a judicial officer should be placed on board each ship of war upon protection service, or that several such officers should be stationed at various places on the treaty shores during the fishing season, but this is a matter of detail which could be arranged. The creation of such courts as we here suggest would

ensure our fellow Colonists fair trials, and would relieve the naval officers of a task which must be uncongenial, and the efficiency of the protection service would be increased rather than decreased."

4. On the 6th of May the delegates wrote again in these terms :—

"In paragraph 4 of your Lordship's letter you say 'Her Majesty's Government at the same time recognise the objections raised by you against continuing powers to the naval officers to act on land. We are unaware of any reason which Her Majesty's Government now have or have ever had for assuming that we confined our objections to the powers exercised by naval officers upon land merely ; nor, so far as we can ascertain, did Her Majesty's Government so limit their recognition of our proposals when they were replied to in the House of Lords on the 27th ultimo. The judicial powers exercised by the naval officers over our fishermen and their boats, vessels, and implements of trade within the territorial waters, are as oppressive and objectionable as the powers they have had upon land, and we could never consent to a permanent measure which continued our fellow Colonists upon the waters or on the land in a state of subjection to the arbitrary decisions and actions of naval officers. In our letter of the 1st instant, we explained at considerable length the principles of the permanent Bill which we wished to have enacted, to take the place of the temporary Act, but Her Majesty's Government have not yet expressed their opinion of these propositions. It would perhaps tend materially to a solution of present difficulties if Her Majesty's Government were to convey that opinion to us, admitting the principle our propositions involved."

5. A subsequent letter of the 13th May dealt with other matters, and personal discussion then took the place of written communications, until on the 27th of May the delegates wrote asking that Her Majesty's Government would "give an assurance that the terms of a permanent Bill, to be passed by the Colonial Legislature, based upon the principle of the establishment of courts under judges or magistrates instead of under naval officers for the adjudication of questions arising under the treaties, *modus vivendi*, and award of the present arbitration, be forthwith discussed with the delegates and arranged.

6. On the 28th of May, Lord Knutsford replied to the delegates that Her Majesty's Government "were prepared forthwith to discuss and arrange with them the terms of a permanent Bill to be passed by the Colonial Legislature upon the general principle referred to in the letter of the 27th."

7. Shortly afterwards the delegates forwarded to this department the outline of a Bill which was at once placed in the hands of the parliamentary council, frequent discussions followed between the delegates and members of the Foreign and Colonial Departments ; various modifications were made in the draft at the suggestion of the delegates ; and on the 22nd of June the draft as it then stood was submitted for the consideration of Her Majesty's Ministers.

8. You stated to Lord Knutsford that the Executive Council had informed you that strong objections were entertained in the Colony to many of the provisions of the draft of the 22nd of June, of which it is understood Mr. Emerson had taken a copy to the Colony. This draft has, however, since undergone much further discussion, and, as Lord Knutsford reminded you, Her Majesty's Government have already determined that it was not desirable to include in the measure certain provisions of the draft which purported to confer upon the proposed court a general jurisdiction over all matters occurring on the treaty shore, and in respect of offences against the general law. These provisions were not included in the original suggestions made by the delegates in the correspondence referred to above, and it is matter of satisfaction to Her Majesty's Government that, in coming to this conclusion, they have, in fact, anticipated the wishes of the Colonial Government.

9. It is therefore unnecessary to examine many of the objections which you informed Lord Knutsford had been raised in the Colony, but there remain for consideration the objections to the following provisions of the draft of June 22nd :—

Sub-section	1 of section 1,
„	1, 2 „ 8,
„	2 „ 11,

which correspond to

Sub-section	1 of section 1,
„	1, 2 „ 5,
„	2 „ 8,

of the draft enclosed in this letter.

10. Section 1, sub-section 1.—The Colonial Government desires to have the appointment of the proposed judicial officers, but it was explained to the delegates from the first that the selection must rest with Her Majesty's Government, who in return have undertaken to provide the salaries of the two gentlemen who it is believed will be sufficient for the duties to be performed. At the same time it will be open to the Colony to ask for the appointment of a third if they think fit to bear the expense; and in that case their recommendation of any particular person would doubtless receive favourable consideration. But looking to the delicate international bearing of the cases which may come before the Court, Her Majesty's Government have formed a decided opinion that at any rate at the outset the judges should be gentlemen unconnected with the Colony, and independent of all local interests. It may safely be presumed that able lawyers will speedily make themselves acquainted with the conditions of the fishery, while the power of appointing assessors will enable them to obtain the assistance of gentlemen possessing special local knowledge. And to this view, which the delegates were understood to accept, Her Majesty's Government must adhere.

11. They think it unnecessary to limit the selection to barristers or lawyers of seven years' standing as is suggested by the Executive Council. This condition, which formerly was frequently required, has now been generally abandoned, because it is obvious that mere standing is not necessarily a guarantee of efficiency, and it is possible that a rigid rule of this kind might exclude persons otherwise specially fitted for the duties required.

12. As regards the title of "Judicial Commissioners" which is objected to, Her Majesty's Government are of opinion that it is a suitable title looking to the purely judicial functions conferred upon these officers, while it is a clear advantage that they should bear a distinctive designation which would prevent any confusion between them and the judges of the ordinary courts.

13. Section 5, subsections 1, 2.—Her Majesty's Government are not able to entertain the suggestion that there should be an appeal to the Supreme Court of the Colony. It may be assumed that the questions to be decided will in most instances relate to matters of small value on which the judgment of the court will be accepted, especially if the decision of a commissioner acting singly is confirmed on rehearing by two commissioners, for which provision is now made in the Bill. On the other hand if any serious question of principle arises affecting many persons, or if in any case a large amount of money is involved, Her Majesty's Government are of opinion that the appeal should be direct to the highest court in the Empire.

14. Section 8, sub-section 2.—This sub-section should be retained, because it places beyond question that, except so far as they may be affected by the creation and action of the Judicial Commissioners' Court, the powers of the Supreme Court or of the magistrates upon the treaty shore will remain in full force.

15. I transmit to you herewith a revised copy of the draft Bill, in which, after carefully weighing the objections of the Colonial Ministry as conveyed by you and your own arguments, Lord Knutsford has embodied the alterations which, as at present advised, he thinks that Her Majesty's Government may be prepared to adopt. As the draft Bill has yet to be considered by his colleagues, you will understand that its present form is not to be looked upon as definitively settled, and I shall in due course address a further communication to the Governor on this subject.

16. It will, I feel confident, be recognised that Her Majesty's Government have sought to meet as far as possible the views which you, together with the other delegates, have placed before them during the frequent discussions that have taken place, and Her Majesty's Government trust that the Government and Legislature of Newfoundland will feel no difficulty or hesitation in passing the desired measure.

17. The Colony will thus show that it is prepared honourably to abide by the international engagements affecting the Island, and will declare these engagements to be part of the Colonial law. By creating the proposed court the Legislature will also have given an assurance to the Colonists engaged in the fishery that they will be dealt with only under the decisions of a competent legal tribunal.

18. At the same time the establishment of this court will have a further advantage, in that diplomatic complaints of infringement of treaty rights or of denial of justice will be based upon facts duly sifted and accurately ascertained, and not only upon the *ex parte* statements of aggrieved fishermen whose statements would frequently be contradicted by the other parties to the transaction.

19. I am to add an expression of Lord Knutsford's thanks for the assistance which he has received from you and your colleagues in the consideration of this subject, and to

acquaint you that a copy of this letter will be forwarded to the Governor for the information of the Colonial Government and Legislature.

Sir William Whiteway, K.C.M.G.

I am, &c.
(Signed) R. H. MEADE.

Enclosure in No. 1.

DRAFT OF A BILL TO PROVIDE FOR CARRYING INTO EFFECT HER MAJESTY'S ENGAGEMENTS WITH FRANCE RESPECTING THE FISHERIES OFF THE COAST OF NEWFOUNDLAND, AND FOR THE JUDICIAL DETERMINATION OF QUESTIONS ARISING WITH REFERENCE THERETO.

WHEREAS the engagements between Great Britain and France relating to the Newfoundland fisheries rest upon the treaties, declarations, and agreements herein-after mentioned :

And whereas by the Treaty of Utrecht, 1713 (Article 13), it was agreed that " The island called Newfoundland, with the adjacent islands, shall from this time forward belong of right wholly to Great Britain, and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up, within seven months from the exchange of the ratifications of this Treaty, or sooner if possible, by the Most Christian King to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only, and in no other besides that, of the said Island of Newfoundland, which stretches from the place called Cape Bonavista to the northern part of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence, and in the gulf of the same name, shall hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there."

And whereas by the Treaty of Paris, 1763 (Article 5), it was agreed that " The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the Island of Newfoundland, such as it is specified in the 13th Article of the Treaty of Utrecht, which article is renewed and confirmed by the present Treaty (except what relates to the Island of Cape Breton, as well as to the other islands and coasts in the mouth and in the Gulf of St. Lawrence), and His Britannic Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the Gulf of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said Gulf of St. Lawrence. And as to what relates to the fishery on the coasts of the Island of Cape Breton, out of the said gulf, the subjects of the Most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the Island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia and everywhere else out of the said gulf shall remain on the foot of former Treaties.

And (Article 6) " The King of Great Britain cedes the Islands of St. Pierre and Miquelon, in full right of His Most Christian Majesty, to serve as a shelter to the French fishermen: and His said Most Christian Majesty engages not to fortify the said islands; to erect no building upon them but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police."

And whereas by the Treaty of Versailles, 1783, it was agreed (Article 4) that " His Majesty the King of Great Britain is maintained in his right to the Island of Newfoundland and to the adjacent islands, as the whole were assured to him by the 13th Article of the Treaty of Utrecht, excepting the Islands of St. Pierre and Miquelon, which are ceded in full right by the present Treaty to His Most Christian Majesty."

And (Article 5) that " His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France

“ consents to renounce the right of fishing, which belongs to him in virtue of the afore-
 “ said Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated
 “ on the eastern coast of Newfoundland, in fifty degrees north latitude; and His
 “ Majesty the King of Great Britain consents, on his part, that the fishery assigned to
 “ the subjects of His Most Christian Majesty beginning at the said Cape John, passing
 “ to the north and descending by the western coast of the Island of Newfoundland,
 “ shall extend to the place called Cape Ray, situated in forty-seven degrees fifty
 “ minutes latitude. The French fishermen shall enjoy the fishery which is assigned to
 “ them by the present article as they had the right to enjoy that which was assigned to
 “ them by the Treaty of Utrecht.”

And (Article 6) that “ With regard to the fishery in the Gulf of St. Lawrence, the French
 “ shall continue to exercise it conformably to the Fifth Article of the Treaty of Paris.”

And whereas by declaration of His Britannic Majesty, dated the third day of Sep-
 tember, one thousand seven hundred and eighty-three, it was declared that, “ The King
 “ having entirely agreed with His Most Christian Majesty upon the articles of the
 “ Definitive Treaty, will seek every means which shall not only insure the execution
 “ thereof, with his accustomed good faith and punctuality, but will besides give, on
 “ his part, all possible efficacy to the principles which shall prevent even the least
 “ foundation of dispute for the future.”

“ To this end and in order that the fishermen of the two nations may not give cause
 “ for daily quarrels, His Britannic Majesty will take the most positive measures for
 “ preventing his subjects from interrupting in any manner by their competition, the
 “ fishery of the French, during the temporary exercise of it which is granted to them
 “ upon the coasts of the Island of Newfoundland; and he will for this purpose cause
 “ the fixed settlements which shall be formed there to be removed. His Britannic
 “ Majesty will give orders that the French fishermen be not incommoded in cutting the
 “ wood necessary for the repair of their scaffolds, huts, and fishing vessels.”

“ The thirteenth Article of the Treaty of Utrecht, and the method of carrying on the
 “ fishery, which has at all times been acknowledged, shall be the plan upon which the
 “ fishery shall be carried on there; it shall not be deviated from by either party; the
 “ French fishermen building only their scaffolds, confining themselves to the repair of
 “ their fishing vessels, and not wintering there; the subjects of His Britannic Majesty,
 “ on their part, not molesting in any manner the French fishermen during their fishing,
 “ nor injuring their scaffolds during their absence.

“ The King of Great Britain in ceding the Islands of St. Pierre and Miquelon to France,
 “ regards them as ceded for the purpose of serving as a real shelter to the French fisher-
 “ men, and in full confidence that these possessions will not become an object of
 “ jealousy between the two nations; and that the fishery between the said islands and
 “ that of Newfoundland shall be limited to the middle of the channel.”

And whereas by counter declaration of His Most Gracious Majesty the King of
 France, dated the third day of September 1783, it was declared that—

“ The principles which have guided the King in the whole course of the negotiations
 “ which preceded the re-establishment of peace, must have convinced the King of Great
 “ Britain that His Majesty has had no other design than to render it solid and lasting by
 “ preventing as much as possible in the four quarters of the world, every subject of
 “ discussion and quarrel.

“ The King of Great Britain undoubtedly places too much confidence in the upright-
 “ ness of His Majesty's intentions not to rely upon his constant attention to prevent
 “ the Islands of St. Pierre and Miquelon from becoming an object of jealousy between
 “ the two nations.

“ As to the fishery on the coasts of Newfoundland, which has been the object of the
 “ new arrangements settled by the two Sovereigns upon this matter, it is sufficiently
 “ ascertained by the Fifth Article of the Treaty of Peace signed this day, and by the
 “ declaration likewise delivered to-day by His Britannic Majesty's Ambassador Extra-
 “ ordinary and Plenipotentiary; and His Majesty declares that he is fully satisfied on
 “ this head.

“ In regard to the fishery between the Island of Newfoundland and those of St. Pierre
 “ and Miquelon, it is not to be carried on by either party, but to the middle of the
 “ channel, and His Majesty will give the most positive orders that the French fishermen
 “ shall not go beyond this line. His Majesty is firmly persuaded that the King of Great
 “ Britain will give like orders to the English fishermen.”

And whereas by the Treaty of Paris, of the thirtieth of May 1814, it was “ agreed
 “ (Article 8) that His Britannic Majesty, stipulating for himself and his allies, engages to

“ restore to His Most Christian Majesty, within the terms which shall be hereafter fixed, the colonies, fisheries, factories, and establishments of every kind, which were possessed by France on the 1st January 1792, in the seas, on the continents of America, Africa, and Asia, with exception, however, of the Islands of Tobago and St. Lucia, and the Isle of France and its dependencies, especially Rodrigues and Les Seychelles, which several colonies and possessions His Most Christian Majesty cedes in full right and sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His Most Christian Majesty restores in full right and sovereignty to His Catholic Majesty : ”

And (Article 13) that “ The French right of fishery upon the Great Bank of Newfoundland upon the coasts of the island of that name, and of the adjacent islands in the Gulf of St. Lawrence, shall be replaced upon the footing in which it stood in 1792 : ”

And by the Treaty of Paris, 1815, it was agreed (Article 11) that “ The Treaty of Paris of the thirtieth of May, one thousand eight hundred and fourteen, and the final act of the Congress of Vienna of the ninth of June, one thousand eight hundred and fifteen, are confirmed, and shall be maintained in all such of their enactments which shall not have been modified by the Articles of the present Treaty : ”

And whereas by an agreement (in this Act referred to as the *modus vivendi* of 1890) made in March one thousand eight hundred and ninety, it was agreed as follows :—

“ The questions of principle and of respective rights being entirely reserved on both sides, the British and French Governments agree that the *status quo* shall be maintained during the ensuing season on the following basis :—

“ Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland, where the French enjoy rights of fishing conferred by the Treaties, it is understood that there shall be no modifications in the positions (‘emplacements’) occupied by the establishments of the subjects of either country on the 1st July 1889, except that a subject of either nation may remove any such establishment to any spot on which the commanders of the two naval stations shall have previously agreed.

“ No lobster fisheries which were not in operation on the 1st July 1889 shall be permitted, unless by the joint consent of the commanders of the British and French naval stations.

“ In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between the said naval commanders.

“ Whenever a case of competition in respect of lobster fishery arises between the fishermen of either country, the commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

“ N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.”

And whereas by an agreement, dated the 11th day of March one thousand eight hundred and ninety-one (in this Act referred to as the arbitration agreement), it was provided as follows :—

“ The Government of Her Britannic Majesty and the Government of the French Republic having resolved to submit to a Commission of Arbitration the solution of certain difficulties which have arisen on the portion of the coasts of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north, have agreed upon the following provisions :—

“ 1. The Commission of Arbitration shall judge and decide all the questions of principle which shall be submitted to it by either Government, or by their delegates, concerning the catching and preparation of lobsters on the above-mentioned portion of the coasts of Newfoundland.

“ 2. The two Governments engage, in so far as each may be concerned, to execute the decisions of the Commission of Arbitration.

“ 3. The *modus vivendi* of 1890, relative to the catching and preparation of lobsters, is renewed purely and simply for the fishery season of 1891.

“ 4. As soon as the questions relative to the catching and preparation of lobsters shall have been decided by the Commission, it may take cognizance of other subsidiary questions relative to the fisheries on the above-mentioned portion of the coasts of Newfoundland, and upon the text of which the two Governments shall have previously come to an agreement.

“ 5. ‘ The Commission of Arbitration shall be composed—

“ (1.) Of three specialists or juriconsults designated by common consent by the two Governments.

“ (2.) Of two delegates of each country, who shall be the authorised “ channels of “ communication between the two Governments and the other arbitrators.

“ 6. The Commission of Arbitration thus formed of seven members shall decide by “ majority of votes and without appeal.

“ 7. It shall meet as soon as possible.”

And whereas it is expedient that permanent arrangements should be made, both for the legal enforcement of the provisions of the French treaties, and of the arbitration award, and also for the decision of questions which may from time to time arise under those provisions upon the treaty coast and waters.

Be it therefore enacted by the Governor and Legislative Council and House of Assembly in Legislative Session convened as follows :

1.—(1.) Her Majesty the Queen may from time to time, by instrument under Her Royal Sign Manual and Signet, appoint Judicial Commissioners for the treaty coast and waters, and every Commissioner so appointed shall receive from the Governor a commission for the purposes of this Act.

Appoint-
ment of
Judicial
Commission
Court.

(2.) There shall be a superior court of record, called the Judicial Commission Court, and the said Judicial Commissioners shall be judges of that Court.

2.—(1.) Where a naval officer holding the instructions of Her Majesty the Queen given through the Commissioners of the Admiralty for fulfilling the French treaties and arbitration award, thinks it necessary to take any action against any persons or their property for the purpose of carrying into effect or enforcing the said treaties or award, or of maintaining peace and good order among the persons engaged in the fisheries on the treaty coast and waters, he shall bring the matter before the Judicial Commission Court, and before taking any action obtain a judgment of the Court directing such action.

Proceedings
in Judicial
Commission
Court.

(2.) Any person aggrieved by any act of a naval officer holding such instructions as aforesaid may bring the matter before the Judicial Commission Court.

(3.) The Judicial Commission Court shall try every case in a summary manner, and decide it in accordance with the French treaties and arbitration award, and give such judgment as appears necessary for carrying into effect the decision so as to secure the due observance of the said treaties and award.

3.—(1.) A judgment of the Court may impose a fine, not exceeding five hundred dollars, grant an injunction mandatory or otherwise, award damages or costs, direct a sale, and give any other order or direction which appears to the Court necessary, for carrying into full effect the judgment of the Court, or for the execution of the French treaties or arbitration award.

Judgment of
Court.

(2.) A judgment of the Judicial Commission Court shall have full effect and may be executed, whether on land or at sea by any naval officer, or by any civil officer who executes the judgment of the Supreme Court, or of a stipendiary magistrate.

4.—(1.) Subject to any rules from time to time made by Her Majesty the Queen, and countersigned by one of Her Majesty’s Principal Secretaries of State—

Sittings of
Judicial
Commission
Court.

(a) sittings of the Judicial Commission Court shall be held at such times and places, and either by one or more of the Commissioners as occasion appears to require, and that either simultaneously or at different times, and at certain fixed places, or at different places where a Commissioner may be, and either on board ship or on land ; and

(b) the jurisdiction of the Court may be exercised by one Commissioner ; and

(c) the Court may, where it deems it expedient, summon any persons having local knowledge and experience to sit with the Court as assessors ; and

(d) The Court may from time to time appoint such officers as appear to the Court necessary, and remove such officers.

5.—(1.) There shall not, save as herein-after mentioned, be any appeal from any judgment of the Judicial Commission Court in any case connected with the French treaties or arbitration award, nor shall the Court be liable in any such case to be restrained or interfered with in the exercise of their jurisdiction under this Act, whether by a prohibition, mandamus, certiorari, or otherwise ; and any judgment, or other proceeding of the Court, shall not be deemed void by reason only of any formal defect ;

Re-hearing
and appeal.

(2.) Provided that—

- (a) nothing in this Act shall impair the right of appeal to Her Majesty the Queen in Council in accordance with such regulations as Her Majesty in Council may make ; and
- (b) if any party to a case determined by one Judicial Commissioner requires the case to be reheard before a Court composed of more than one Commissioner the case shall be so reheard.

(3.) Provided further that an appeal or re-hearing under sub-section (2) of this section shall not operate as a stay of execution.

Supple-
mental as to
Court and
naval officers.

6.—(1.) The Judicial Commission Court shall, for the purposes of this Act, have the same jurisdiction and power of summoning and enforcing the attendance of parties and witnesses, of administering an oath, of protecting and enforcing respect for the Court, enforcing their judgment or summons, and otherwise, as the Supreme Court, or (as the case requires) of any stipendiary magistrate.

(2.) A naval officer shall have power with a view to any proceeding in the Judicial Commission Court, to take and bring before the Court any person, or vessel or boat or any tackle, equipment, or nets, and for that purpose, and for the purpose of the execution of any judgment of the Court, shall have the authority and be entitled to the immunities given by law to any sheriff, bailiff, tipstaff, constable, or officer executing a warrant or judgment of the Supreme Court, as a stipendiary magistrate.

Rules.

7.—(1.) The Judicial Commission Court may, from time to time with the approval of Her Majesty the Queen, signified under the hand of one of Her Majesty's Principal Secretaries of State, make, revoke, and vary rules regulating the procedure, payment of assessors, practice, fees, and costs, in matters under this Act, and providing for the reception of depositions in evidence, and such rules shall be published in the "Royal Gazette," and while in force shall be binding as if enacted in this Act.

(2.) All such fees, and also all fines imposed by the Court, shall be paid, accounted for, and applied as directed by the rules, and subject to any such direction shall be applied in aid of the expenses of the Court and the officers thereof, and so far as not required for that purpose shall be applied as part of the revenue of Newfoundland.

Savings.

8.—(1.) Nothing in this Act shall apply to any matter arising otherwise than in relation to the French treaties and arbitration award.

(2.) The jurisdiction and powers conferred by this Act shall be in addition to and not in derogation of any jurisdiction and powers of Her Majesty the Queen, or officers acting under Her orders, or of the Governor, or any court, magistrate, or officer of Newfoundland.

Definitions.

9.—In this Act, unless the context otherwise requires—

The expression "Naval Officer" means any officer, commissioned and in full pay, of one of Her Majesty's ships.

The expression "judgment" includes a decree or order.

The expression "French treaties" means the engagements between Great Britain and France recited in this Act, and includes any future agreement for a continuation (pending the arbitration) of the *modus vivendi* of 1890.

The expression "arbitration award" means any award made in pursuance of the arbitration agreement recited in this Act.

The expression "treaty coast and waters" means such portion of the coast of Newfoundland as is mentioned in the above-recited treaty of Versailles of the third day of September one thousand seven hundred and eighty-three, and such of the waters adjoining that portion of the coast as are within Her Majesty's jurisdiction.

Words importing the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.

Repeal.

10. The Newfoundland French Treaties Act of 1891 is hereby repealed.

Commence-
ment and
short title.
A.D. 1891.

11. This Act shall come into operation on such day as may be notified by the Governor by proclamation, and may be cited as the Fishery Treaties Act, 1891.

9

No. 2.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received January 1, 1892.)

My Lord, Government House,
St. John's, December 23, 1891.

At the last meeting of Council, being anxious to be in a position to inform your Lordship of the probable action and views of my Government relative to the draft Bill to regulate our treaty obligations with France, I brought the matter forward, when it was pointed out that, as it was desirable that, in the first instance, the draft should be considered by the five delegates, the Government desired to postpone action till all those gentlemen were in the Colony.

2. At present two of them are absent, the Hon. A. W. Harvey being in Europe, and Mr. Morine having left the Island immediately on his return from England in order to carry on his legal studies at the Halifax University.

I have, &c.
The Right Hon. Lord Knutsford, G.C.M.G., T. O'BRIEN, Lt.-Col.,
&c. &c. &c. Governor.

No. 3.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received April 20, 1892.)
[Answered by No. 4.]

TELEGRAPHIC.

(Extract.)

Three Delegates endeavoured to prevent Whiteway proceeding with Act; he states that he will do so next week; has grave doubts whether he will succeed.

No. 4.

LORD KNUTSFORD to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

22nd April.—Referring to your telegram of 20th April* I trust the Treaties Bill will be passed, and thus relieve the Imperial Government from having to legislate.

No. 5.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.
(Received May 17, 1892.)

TELEGRAPHIC.

17th May 1892.—Am requested by Address from House of Assembly to forward following for information of Her Majesty's Government:—

Whereas the Legislature of this Colony did, on the 24th day of March 1891, appoint five of its members as a delegation to proceed to England to lay before the British Parliament and people the reasons of this Colony for opposing the legislation brought forward by the Imperial Government in reference to the French Treaties question; and whereas it was resolved by this Legislature that when a majority of the said Delegates should agree to any basis of arrangement and settlement the said Delegation should recommend it to the Legislature, and that each member of the Delegation should be bound by the decision of a majority; and whereas a difference of opinion has arisen between the said Delegates, and the Legislature has had a majority and minority Report presented for its consideration; and whereas the Bill now before the House does not provide for the payment by Great Britain of compensation due to persons who may suffer by the enforcement of the Treaties, the *modus vivendi*, and the arbitration award, provision for which compensation was insisted upon by the Marquis of Salisbury when

* No. 3.

speaking in the House of Lords on the 29th day of May 1891, to be a condition precedent to the enactment of any permanent Act by this Legislature; and whereas the Bill now before the House is not acceptable to this House in other respects; and whereas the Legislature did, on the 30th day of May last, pass a temporary Bill to enable Her Majesty's Government to carry into effect engagements with France respecting fisheries in Newfoundland during the period of negotiations for the settlement of difficulties concerning the Treaty Shore; and whereas it is provided that the said Act shall continue in force only until the end of 1893 and no longer; and whereas the said negotiations may occupy a longer period than at first anticipated: Be it resolved, that this House undertakes to extend the operations of the Act entitled "An Act for the purpose of carrying into effect engagements with France respecting Fisheries in Newfoundland" for a further period of two years from the expiration thereof, so as to afford time for further negotiations: Be it also resolved, that the further consideration of the French Treaties question be referred to a Joint Select Committee of both Houses with a view to aiding Her Majesty's Government in procuring a satisfactory solution of all existing difficulties.

No. 6.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received June 16, 1892.)

[Continued by No. 7.]

Government House, St. John's,

June 8, 1892.

MY LORD,

As the debates of the Legislature here are not published in a Hansard or other similar form, one has to be dependent on their appearance in the daily press, and as the papers are generally a fortnight or three weeks in arrears in such publication, I am only now in a position to furnish you with the Premier's opening speech, and those of other gentlemen, in order to submit, for your appreciation, the manner in which the Bill for the enforcement of England's Treaty obligations with France was submitted to the Assembly, as well as the arguments which, I regret to say, induced that body to throw out that measure, which, whatever may be said as to details, was, in my opinion, but the outcome of the understanding on which the House of Commons stayed legislation at the urgent request of the representatives of Newfoundland.

By next mail I shall hope to be able to complete the debates now sent.

I have, &c.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

(Signed) T. O'BRIEN,
Governor.

Enclosure in No. 6.

Report of Delegates.

To the Honourable the Legislative Council and House of Assembly in Legislative Session convened.

1. The delegates upon the French Treaties Question, appointed by the Legislature last session, had the honour to make an interim report dated May 11th, 1891, accompanied by copies of correspondence and other documents, and one of their number, Mr. A. B. Morine, was permitted, at their request, to make verbal explanation to your honourable Houses in joint session convened concerning the subject of their mission.

2. The delegates now have the honour to submit the following supplementary report with copies of the correspondence conducted after that date and of other documents in connexion with their labours.

3. At the date of Mr. Morine's departure from London, the Bill introduced into the House of Lords for the purpose of enforcing the French Treaties had passed through all its stages in that House, and it was introduced into the House of Commons on the 13th of the same month, the second reading being set down for the 28th May, after the Whitsuntide holidays had elapsed. Between the 21st and 28th May your delegates conferred, on various occasions, by correspondence and otherwise, with the British Government, in reference to the terms of the temporary Act eventually passed by the Legislature, and as to the principle of a proposed permanent Act to supersede the temporary one.

4. Pending an agreement the delegates made preparation for the presentation of the case of the Colony at the bar of the House of Commons, and were granted permission to address that House on the day set down for second reading of the Bill against the passage of which they were instructed to protest. In the meantime the Legislature had been put in possession of the information conveyed by Mr. Morine, and had received recommendations by the remaining delegates as to the necessity of enacting, with certain amendments, the proposed temporary Act forwarded by the delegates.

5. On the 27th that Act was read a third time in the Legislative Council, having been passed by the House of Assembly on the 26th, and on the morning of the 28th the delegates conveyed the information, that it had passed, to the Secretary of State for the Colonies who, whilst the delegates were awaiting to be called to the bar of the House of Commons for the purpose of being heard, caused them to be informed that Her Majesty's Government would withdraw the Bill from before the Commons, after it had passed its second reading. Upon the motion for the second reading of the Bill, a debate arose in the Commons, as the result of which the second reading was not proceeded with.

6. The delegates lost no time in making arrangements for the further progress of their work, and on Saturday, the 30th May, they made an arrangement for a conference with Mr. Bramston on the following Monday upon the terms of the proposed permanent Act. On the day appointed the conference took place. Your delegates then submitted the draft Bill hereto annexed, marked "A." Discussion in reference to that draft took place at conferences held during that week.

7. On the 6th June the Hon. M. Monroe left for home, taking with him a letter from the delegates, and on the 22nd of June Mr. Emerson also left for home, taking with him a copy of a draft Bill that day submitted on behalf of the British Government and hereto annexed marked "B." Between the 22nd June and the departure of the Hon. A. W. Harvey, on the 6th July, several conferences were held concerning that Bill, and many alterations made, involving great care and considerable labour. Further conferences occurred and other alterations were made between the 6th of July and the departure of Sir W. Whiteway, on the 4th day of August, the result of which is embodied in the Bill hereto annexed, marked "C," which we recommend for the assent of the Legislature.

8. Recognising the fact that the conduct of your delegates in recommending to the Legislature the adoption of the temporary Act, enacted last session, has been the subject of severe criticism, we feel justified in reminding the Legislature that, when we received our commission to proceed to England, there was pending before Parliament a Bill which had been framed upon the lines of an Act more than a century old which placed in the hands of Her Majesty's Naval Officers the exercise of powers which may be justly termed harsh.

9. Public sentiment in Great Britain demanded the enforcement of the French treaties; Parliament was unanimous in supporting that demand, and it was therefore apparent that if the Legislature would do nothing the Bill before Parliament would become law. Fortunately the Legislature adopted our unanimous recommendations, the temporary Bill proposed by us became law, and was accepted by the Parliament, the Government, and the people of the mother country, as an evidence of good faith on the part of the Colony and of an earnest desire to bring about a permanent settlement of a dangerous and unfortunate condition of affairs.

10. The proposed Imperial Act was abandoned, and time in which to secure a more careful consideration of a permanent Act was assured.

11. Your delegates were able also by their efforts to bring prominently before the British public the hardships under which the Colony suffers in consequence of the French Treaties, and to make it certain that whenever an opportunity occurs for a satisfactory settlement it will not be lost.

They feel, therefore, that their work has been productive of good to the Colony, and in transmitting, for your consideration, the documents in connexion with their labours, your delegates feel confident that their conduct will have the approval of the Legislature whose representatives they had the honour to be, and to the fulfilment of whose behests they devoted their best energies and their best abilities.

We have the honour to be, your humble, obedient servants,

(Signed) W. V. WHITEWAY.
A. W. HARVEY.

Hon. Mr. Harvey desired to say a few words upon this very important matter. It was not easy by a mere hasty reading of the two reports presented to grasp the wide difference that existed between them. In a great measure they were identical in sub-

stance, but the conclusions arrived at were widely different. The chief matter of difference between the two reports lay in the eighth paragraph of the majority report. The minority report contained a simple recommendation that the Bill should be passed by the Legislature now. The majority report, on the other hand, counselled delay with the object of securing, by correspondence with the Imperial authorities, a more advantageous measure. To a man who had given only a superficial attention to the despatches referring to this matter, it might appear that there was some substantial ground for hoping that there might be some possibility of benefit in delay, but to one who had deeply studied the matter nothing appeared more certain than that our wisest course was to pass the present Bill and avoid the danger of having a more obnoxious measure forced upon us. He had at first intended to embody in the report the reasons why the Bill should be accepted by us, but, after consultation with his co-delegate, he decided that it would be better to give those reasons *viva voce* than to set them out in the report. As one who had studied the question in all its different phases, and as one familiar with every detail of the negotiations that had taken place, he could recommend this Bill to the Legislature with all his heart. At the beginning of last year, when the joint committee of both branches of the Legislature was appointed to consider this question, it came to his knowledge that the old Act George IV. had lapsed some years ago, not by having been repealed by any subsequent enactment, but by its own inherent verbiage. When he stated this at that time the fact was very much doubted, and he was challenged for proof of his assertion. But in a short time proof had come that the position was as he had stated. He then said that Newfoundland had her future in her own hands more than ever before, and that the day had arrived for the advantageous discussion of the French Shore difficulty. The old Act having lapsed, Great Britain would have to pass another Act to enable her to carry out the treaties; though some thought that such an Act would not be necessary, and that the treaties could be carried out without any further legislation. Subsequently it was ascertained that legislation was necessary to this end. Then he had felt certain that a similar Act to the former one passed early in the century would never be attempted to be enacted now, but he was roughly undeceived. At the moment of the arrival of the delegates in England they were informed that the old Act would be re-enacted, unless we ourselves passed such legislation as might be agreed to by the Imperial authorities in substitution of it. The delegates had the authority of Lords Salisbury, Knutsford, and Mr. W. H. Smith as representing the Government, and Lords Kimberley, Herschell, and others representing the Liberals, for this statement. He had raised his voice last year in this character against the Bill and expressed his conviction that in the nineteenth century Great Britain would not force upon one of its Colonies a Bill of such a nature. He soon learnt, however, that he was in error in this belief, and that if we did not pass a Bill a more extreme measure would be passed by the Imperial Parliament, and that once passed it would never be repealed. The delegates as one man protested against the treatment with which Great Britain threatened us, but with many pangs they were compelled to submit lest worse should befall the Colony. No one was more unwilling than he to assent to a measure which he regarded as a disgrace to Great Britain, but nothing was left but to choose the least of the two evils; that Act was passed by this Legislature last session. We now had it in our power to remove within ten days from our statute book a measure which was disgraceful alike to us and the mother country. If we pass this Bill now it will receive the Governor's assent at once, and the original Act will be no more heard of. He could see no prospect of advantage in delaying the passage of the Bill. It appeared to him that now was the time and now the hour to relieve ourselves from a state of things that would cause us nothing but shame and discredit. But this was not the only reason why he supported this Bill. Though it differed in one or two particulars from the Bill originally proposed to the Imperial Government by the delegates, it nevertheless comprised nearly every good point contained in that measure. If we pass the Bill now, it was possible that, agitating, year by year, we might be permitted to modify it somewhat, but, if we compelled the Imperial Government to pass an Act themselves, it would be far more stringent in its provisions, and we could never hope for its modification or repeal. This Bill had, in its essence, been agreed upon by the Imperial Government and our delegates. It contained concessions which were the result of the appeals of the delegates to the British Parliament and public. We could expect no better measure for some years to come; at any rate, we have reason to fear that, in default of its passage, a worse might be forced upon us, for Lord Salisbury would have no difficulty in piloting an extreme and coercive measure through the Imperial Parliament on our refusal to enact this. This Bill was so favourable to us that he had heard on highest authority it would never be assented to by France. That, however, was nothing to us; it was a

matter entirely between Great Britain and the French Republic; and we could calmly allow those nations to settle their differences between themselves. If we delayed to pass the Bill now, it would be as great a breach of faith on our part as it would be on the part of the Imperial Government to refuse its sanction when we had passed it. He had the prosperity of this Colony very dearly at heart, his all was invested in it, and his own success was dependent upon the country's welfare; if then, the Bill were inimical to the best interests of the country, it would be strongly to his interest to oppose it. The fact that he supported it, therefore, argued that, in his opinion, the Bill was as good as we could hope to obtain. The House would not deny him the credit of acting according to his honest convictions, for he thought that his record in the Council proved that he had given his time and the best of his ability to the service of the Colony. It might be taken, then, that he was sincere and actuated by no ill motives in impressing upon the House the necessity of carrying out the pledge that the Colony had given, and of passing this Bill.

He would read to the House a few extracts from papers of recognised authority, which all went to show that we were pledged in honour to pass this Bill. He did not mean to say that a lawyer by ingenious and hair-splitting arguments might not be able to give some colour to the position that we were not pledged to enact this Bill in all its details: but in a court of honour and conscience the only decision that could be arrived at was that we were bound, here and now, to accept the measure tendered us. The delegates were instructed by both branches of the Legislature in the following terms:—

“ ‘ The Legislative Council and House of Assembly beg to acquaint your Excellency
 “ ‘ that they have appointed a delegation, consisting of the Hon. Mr. Harvey, the
 “ ‘ Hon. Mr. Monroe, the Hon. the Premier, his Honour the Speaker of the Assembly,
 “ ‘ and Mr. Morine (one of the members for Bonavista), to proceed immediately to
 “ ‘ England to lay before the British Parliament and people the reasons of this Colony
 “ ‘ for opposing the proposed legislation now before the Imperial Parliament in reference
 “ ‘ to the French treaties question, and respectfully request that your Excellency will
 “ ‘ be pleased to appropriate and pay out of the general revenue of this Colony such
 “ ‘ sums as may be necessary towards the expenses of the said delegation, and the
 “ ‘ Council and Assembly will make due provision for the same.’ ”

“ Ordered, that the said report be received and adopted, and that the said address
 “ do pass and be sent to the Legislative Council, with a message, requesting their
 “ concurrence.”

Acting upon this authority the delegates at first had a verbal interview with Lord Salisbury, when a general discussion of the matter took place. Subsequently when we were asked to submit our proposals in writing, we did so in these terms: “ The delegates would respectfully submit to the consideration of Lord Salisbury, the following proposals; * * * * * (c.) The terms of an Act to empower courts and provide for regulations to enforce the treaties and declarations, to be discussed and arranged with the delegates now in this city, as rapidly as possible, and to be enacted by the Legislature of the Colony as soon as agreed upon.”

The following letter accompanied the proposals:—

NEWFOUNDLAND DELEGATES to the MARQUIS OF SALISBURY.

“ Hotel Métropole, London,
 April 21, 1891.

“ MY LORD,

“ WE beg to enclose herewith the proposals which your Lordship was so kind as
 “ to ask us to submit in writing. The delegates feel that the adoption by Her Majesty's
 “ Government of the propositions now made will cause the excitement now prevailing in
 “ the Colony to subside, and will secure harmony upon the debatable ground.

(Signed) “ W. V. WHITEWAY.
 “ A. W. HARVEY.
 “ M. MONROE.
 “ G. H. EMERSON.
 “ A. B. MORINE.”

This was the first proposition submitted by the delegation to the British Government. Before we came before the House of Commons, Her Majesty's Ministers informed us that the Government was prepared to accede to our terms. Acting upon this promise the Bill originally contemplated was withdrawn in the Imperial Parliament, and a temporary Act was passed here, and a permanent Bill embodying terms with regard to the constitution of the court which was to have jurisdiction under the Act had been mutually agreed upon. To our great advantage Great Britain gave way and met our

proposals, and the result was the Act now before the House, the terms of which were fully discussed and agreed upon.

Hon. Mr. Monroe.—They were not agreed to by me.

Hon. Mr. Harvey.—Now, he would like to know upon whom discredit would fall, if, after going as far as the correspondence proved we had gone, we were now to refuse to fulfil obligations which we in our own interest sought. Subsequently to the appearance of the delegates at the bar of the House of Lords, a communication was sent from the delegates to the Colonial Office, a portion of which he would read :—

NEWFOUNDLAND DELEGATES TO COLONIAL OFFICE.

“ Hotel Métropole, London,

May 1, 1891.

“ MY LORD,

“ IN acknowledging the receipt of your communication of the 29th instant, we beg to say that, having very carefully considered the speeches made in the House of Lords on Monday, the 27th instant, we desire to lay before Her Majesty’s Government the following propositions :—

“ (a.) If the Bill now before the Lords be not further proceeded with, and if Her Majesty’s Government admit the principle of a measure for the creation of courts to adjudicate upon complaints arising in the course of the enforcement of the Treaties and Declarations relative to French Treaty rights, and engage to discuss and arrange with us as rapidly as possible the terms of a Bill embodying that principle, we will with all possible speed procure the enactment by the Colonial Legislature of a measure giving power to Her Majesty in Council during the current year to enforce in the same manner as heretofore her rules and regulations for the observance of the *modus vivendi*, the award of the arbitration, and the Treaties and Declarations with France ; which temporary Act the Colonial Legislature will replace by a permanent measure for securing the enforcement of the Treaties under the orders of the special courts referred to above : provided that if, as the result of the enforcement of the award of the arbitration, the property of Her Majesty’s subjects is disturbed, they shall be entitled to compensation.”

It will thus be seen from the wording of the above, where the delegates say, “ if the Bill now before the Lords be not further proceeded with,” to what extent they were committed in the negotiations. Further on the same despatch says :—

“ The details of such a measure as we have outlined, though their preparation need not occupy a long time, cannot, we apprehend, be arranged in time to be made applicable this year ; and therefore, if Her Majesty’s Government agree in the main with the principle of our suggestions in this respect, the temporary legislation referred to can be proceeded with at once, and the details of the permanent measure be more deliberately worked out. It would, however, be necessary to agree upon the terms of the permanent legislation before we leave this city, and extremely desirable to come to an agreement so speedily as to make it possible to enact the measure in the local Legislature before the present session concludes, so that it could come into force at the beginning of next year. We represent all parties in the Legislature, and therefore a Bill agreed upon by and with us will be more satisfactory to the Colony, and be more likely to obtain acceptance, than a measure arranged at any other time and with any other persons.”

Before going further he would wish to ask why the passage of this Bill should be postponed ? Was it supposed that the delegates had not arranged the best possible Bill that would obtain the assent of Her Majesty ? In the event of endeavouring to obtain a new Bill, who was to arrange it ? Were the delegates ? And if so, which of them ? The delegates, members of the Executive, recommend this Bill as the best they can obtain. In answer to the communication from the Colonial Office, in which the Imperial Government require that the Bill shall be a permanent one, the delegates say :—

* * * * “ It is not to be presumed, we suppose, that future sessions would find Parliament less sensible than it now is of the necessity of enforcing regard for the Empire’s obligations, and therefore no doubt need be felt that if the proposed permanent Act had not been agreed upon and enacted, when Parliament next assembled, it would enact the necessary legislation to continue the enforcement of the Treaties and Declarations. In order that the obligations of the Empire to the French may be carried out, it cannot be necessary to enforce them in a manner both harsh and unjust to the Colony, and contrary to the well-settled principles upon which British law is administered, provided the same end can be attained by some better means. The question which Newfoundland raises is not, shall treaty obligations be fulfilled ? but,

“ shall they be enforced in a manner which inflicts unnecessary hardship upon our fellow-Colonists ? and the point at issue is only obscured by arguing as though the measure now before the House of Lords must either be enacted by Parliament, or a similar one by the Legislature of the Colony, or the Empire’s obligations abandoned.”

When we received an intimation from the Colonial Office that if our proposals were put in another shape, the British Government would probably acquiesce in them the delegates replied :—

“ Hotel Métropole, London,
“ May 27, 1891.

* * * * “ If Her Majesty’s Government (2) will also give assurance that the terms of a permanent Bill, to be passed by the Colonial Legislature, based upon the principle of the establishment of courts under judges or magistrates, instead of under naval officers, for the adjudication of questions arising under the Treaties, *modus vivendi*, and award of the present arbitration, be forthwith discussed with the delegates, and arranged. Such permanent Act, when passed by the Colonial Legislature, might at once supersede the present proposed Colonial temporary Act.”

In reply to this the following was received from Sir Robert Herbert :—

“ GENTLEMEN, Downing Street, May 28, 1891.
* * * * “ 3. I have further to acquaint you that Her Majesty’s Government are prepared forthwith to discuss and arrange with you the terms of a permanent Bill to be passed by the Colonial Legislature upon the general principles referred to in the second paragraph of your letter of the 27th inst.; and I am to add that the views of Her Majesty Government in respect to the other points mentioned in that letter have been stated in the previous correspondence.”

The clause he had quoted from the delegates’ letter of 27th May was very significant, and one which showed what the disposition and intentions of the delegates were at this stage of the negotiations. He would now read a letter received from Sir Robert Herbert three days subsequently :—

“ GENTLEMEN, Downing Street, May 30, 1891.
“ I AM directed by the Secretary of State for the Colonies to intimate to you, with reference to the recent proceedings in Parliament, and the correspondence with you in connexion with the proposed permanent Colonial enactment to constitute courts and provide for regulations to enforce obligations of this country under the Treaties and Declarations relating to the Newfoundland fisheries, that his Lordship will now be glad to proceed with as little delay as possible to consider the terms of that enactment, and proposes that you should place yourselves in communication with Mr. Bramston, of this Department, for the purpose of settling the general outline of such a measure as may appear to meet the requirements of the case.

“ I am, Gentlemen,
“ Your obedient Servant,
“ (Signed) ROBERT G. W. HERBERT.

“ The Newfoundland Delegates.”

It was perfectly clear to him that these documents proved conclusively that Newfoundland undertook by her delegates to pass a permanent Bill to take the place of the Coercion Bill of last year. Moreover, the delegates urged that a temporary Bill was sufficient for the needs of the moment, they asserted and reiterated the statement that they would remain in London until a permanent Bill should be arranged, and the arrangement come to and agreed upon between the delegates and the Imperial Government was the Bill now before the House. That some of the delegates left London before the final stage of the negotiations had been reached, is true. It is true, also, nevertheless, the delegates who remained till the end in London fulfilled their obligations to the Imperial Government and were parties to the present Bill. Her Majesty’s Government could hardly be expected, under the circumstances, to consider that the delegates who remained were discredited and without powers of negotiating a settlement, merely because some of their number found it necessary to return home. But the delegates who remained at their post and those who did not, and the whole country, would be discredited were the course recommended by the majority report to be followed, and the act they arranged repudiated. It was proposed to enter into new negotiations by new negotiators, who would not have one half the chance of obtaining a favourable adjustment of the difficulty that the late delegation had. The mere repudiation of the acts of the delegates would of itself be sufficient to damn any future delegation in the eyes of Great Britain. How could she, after such conduct on our part, enter into negotiations with us with any confidence ? There was one statement made by the hon. gentleman in presenting the

majority report which he wished to contradict, and that was that the authorities at first agreed that Newfoundland should have the appointment of the judges of the courts under the Act. He did not think that the hon. gentleman would be borne out in this statement by the records, and he remembered that when such a proposal was made to Lord Knutsford he said that such a thing was out of the question, and could not be entertained for a moment. We were told that we might appoint one of the three if we paid his salary, but the others should be appointed by the British Government. If the Colony appointed its own judges their decision would have no weight with the French, and would be repudiated by them. Although, of course, he would have wished that we should have the appointment of these officials, and although he supported the delegates in the endeavour to obtain this right, yet he could not but see the strength of the reasons given by the Imperial authorities against it, and of the necessity for such judges to be free of all local sentiment. With the courts constituted as provided by the Bill there would probably be some difficulty in getting the French to accept their decisions, but were the judges to be from amongst our own people, the French would certainly repudiate their decrees altogether. It is chiefly in this particular that the present Bill differs from the original one proposed by the delegates; nevertheless, all things considered, he believed this Bill to be vastly better than any measure we might have hoped for. He should like to see it contain the right of appeal to our Supreme Court, but Lord Salisbury had given the same reasons against this that applied to the appointment of the judges—the impossibility of obtaining the acquiescence of France in such conditions. Far be it from him to cast any reflections upon those whose names appear to the majority report; yet he would maintain that those delegates who remained in London and completed the arrangement, and who, it could not be denied, had the interest of the Colony quite as much at heart as others, were in the better position of judging as to the course the Colony might pursue with advantage to herself, and as to whether the acceptance of this Bill would ultimately tend to her interests. Those delegates who left England before the termination of the negotiations had not had an opportunity of hearing the views and arguments of Lord Knutsford and Lord Salisbury in the later stages of the proceedings. Those who left may have comprised all the genius, all the tact and diplomacy, of the delegation; yet he would say that their going did not annihilate the delegation, nor limit it in its powers, and had they remained at the seat of operations, attended all the meetings, heard the views of the Liberal leaders as well as the Government, there was little doubt but that they would have concurred in the minority report.

He was sure that, if those gentlemen had remained, the Bill would have been drawn up and signed in London. The question now to be dealt with, as to whether the Legislature will accept this Bill or not, was one of the most vital importance, one whose settlement would either uphold the honour, the integrity and character of the country, or else brand us before the world, and especially before the British public, as a Colony that was unfaithful to its obligations. The importance of the question to the Colony, the Legislature, and to the personal status of the delegates themselves, could not be underestimated. The delegates were pledged to certain things and conditions; they all could not remain in England all the time negotiations were proceeding, but those who did, arranged and agreed to the present Bill, which he maintained was the best Bill we could possibly hope for, and in which opinion he was supported by the leaders of the Liberal Party in England and other eminent authorities. The treaties which existed between England and France could not be ignored, and must be carried out, and Great Britain was in honour bound to see them carried out, and the manner now proposed by this Bill of enabling the mother country to fulfil her obligations was the least oppressive mode that could be devised. Newfoundland will receive quite as fair treatment at the hands of two English lawyers as judges as she would if the bench was composed of Newfoundlanders. He was sure we would not cast such a slur on the English bar as to doubt this. In the event of an appeal being necessary, we could go to the Queen in Council, where, surely, we might hope to have our just rights recognised, and justice done us. With the exception of the two points which he trusted he had given a reasonable explanation of, he failed to see what possible objection could be raised to the Bill. Two years ago, when the *modus vivendi* was arranged, all Newfoundland was up in arms against it; village vied with village in denunciation of it; every man, woman, and child was imbued with the prevailing sentiment. It was considered a great misfortune to the Colony, yet now, when we have it in our power to do away with the *modus vivendi*, we hesitate, and desire to postpone the opportunity; in other words, we wish to keep the burden upon our backs for another year. Every Newfoundlander who favours postponement of the passage of this Bill will assist in shutting up lobster factories on the Treaty Coast, and in keeping on a statute book a Bill which was a disgrace to civilization. It was absurd to suppose that persons less favourably situated than the delegates

should, by correspondence, gain concessions which the Imperial authorities had already refused to men who had brought every influence to bear upon Her Majesty's ministers. With regard to the constitution of this court, the difficulty with Great Britain was not that any suspicion was entertained of the integrity of the Newfoundland judiciary, but that the French would decline to submit to the jurisdiction of a tribunal which they considered biased against them. Under such circumstances there was no prospect of securing a Court that would more stoutly maintain Newfoundland rights. He could see no possibility of good in postponing this Bill for a year. It was absurd to hope that Great Britain would be more favourably disposed to grant our requests after we had irritated her by repudiating the solemn engagements our own delegates had made with her. If Great Britain broke faith with us, would we be disposed to go out of our way to meet her wishes in the future? Most certainly not. How then could we expect Great Britain to treat us with justice and consideration which, under present circumstances, we decline to display towards her? In dealing with this momentous question the only hope of Newfoundland was to adopt the straightforward course to which she was pledged. He thought that if all the delegates had remained in England up to the first of August, 1891, they would have seen good reasons for unanimously adopting the course he now recommended to the House. It was manifestly unfair to those delegates who had remained in England until their mission was completed that their colleagues who had united with them in commencing the negotiations that culminated in the agreement, should take advantage of their own conduct in leaving before the work was done to repudiate an agreement that they would have been parties to had they remained. To those who argued that the majority report must necessarily embody the best wisdom of the delegation, he would recommend an attentive perusal of all the correspondence upon the subject. He would also ask them to consider the length which Great Britain was prepared to go in carrying out her Treaty obligations. If they did this he was convinced that they would be persuaded that the minority report contained the safest recommendation for the Legislature to follow. Upon a full and impartial consideration of the whole matter, no reasonable man, he was convinced, could fail to come to the conclusion that the Colony was bound not only by regard for its own honour, but by a consideration for its own material welfare, to pass the Bill this session.

Hon. M. Monroe would not occupy the time of the House with any lengthy reply to the remarks of the hon. representative of the Government. The hon. gentleman had made a long speech—a speech that would have been better adapted for the second reading of the French Treaties Bill than for the present occasion. One would imagine, from what the hon. gentleman had stated, that the delegates were prepared to carry out the behests of the Imperial Government under any circumstances, and to pledge themselves to pass a measure to enforce the unjust claims of the French without any consideration as to the local circumstances and special claims and necessities of the people of this Colony. Supposing, for instance, that the delegates had agreed to such a Bill as the Imperial authorities now desire to have passed, they could not even then give any pledge or assurance to the British Government that they had the power to pass such a Bill, or that they would pass it when they returned to this country. The delegates were not invested with any such authority when they left here to proceed on the voyage to England, and surely it could not be contended that they were so reckless and regardless of their honour and integrity as to go beyond their prescribed and lawful duty on the one hand, and on the other hand inveigle the Imperial Government into the belief of a promise which they had no power whatever to perform. Surely the hon. gentleman would see that such a position was a false and untenable one; that it would have been entirely outside the commission of the delegates to give such a pledge, and that even if they were disposed to do so they could not by any force of argument or reason assume such authority in the name of the Government of this Colony. We were now dealing with a very serious question, a question involving the rights and interests of the people throughout this Island, and we could not afford to treat it lightly or to be too hasty in arriving at conclusions. If the Bill before the other branch of the Legislature should become law, there would be no further hope for our people; their rights and liberties would be sacrificed to the exorbitant and unrighteous demands of the French. He (Mr. M.) would repudiate the idea that the delegates were ready to accept any Bill that the British Government might have been pleased to submit. It was never intended by the delegates that they should yield such servile obedience to the Imperial authorities at the sacrifice of the most important interests of the people of this Colony, and to please and accommodate their rivals and greatest enemies. What the delegates intended was to endeavour to consummate a Bill that

would be satisfactory to themselves and to the Government, and that would meet the wishes and requirements of the people throughout the Island, and, failing in this object, they never would have been induced, by any species of argument, on the part of the Imperial authorities, to give their assent to such a measure as is now before the House of Assembly—a measure which, if passed, would bear hardly and cruelly upon our own people and fishermen throughout the Island, and under the operation of which they would have no power whatever to seek redress for any grievance that might be inflicted upon them. If this Bill were in force our people might become subject to the greatest possible cruelties, they might be hampered and harassed in their fishing operations, driven from place to place, their property wrecked and destroyed, with little or no chance whatever of redress or fair dealing in points of law. Such a condition of things would be simply tyrannous and unbearable and our people would not be able to hold their own in the fisheries of this Colony within disputed territory against such strong rivals, and under the operation of such an adverse law. From the very first, the delegates made it a *sine quâ non* that the judges of the tribunals to be established upon the treaty coast should be appointed by the Government of this Colony. Men filling such important and responsible positions, within the territory of this Island, should not be entire strangers, having no interest in our people, but having their sympathies enlisted on behalf of their enemies. Rather should the judges of such tribunals be men acquainted with our people, having some knowledge of their interests and their habits and customs as a fishing population. This principle was agreed to by the Imperial authorities, before the delegates, while they were on their mission. Lord Knutsford, Sir T. Sanderson, and Mr. Bramston were present with the delegates when this point was discussed, and they expressed their approval of Colonial appointments. Lord Salisbury said at interviews with the delegates, and in the House of Lords, that it was the business of the Imperial Government to carry out the Treaties, and that it was no concern of the French how or by what machinery the Treaties were carried out. It was plain from this that the principle of the appointment of judges by the Government of this Colony was admitted all through; that the French were not regarded as having any right whatever to object to any arrangement which the British Government might have been disposed to make in order to discharge its own responsibilities with regard to this matter, and that any objections that the French might have offered to Colonial appointments ought to have been disregarded by the Imperial authorities. But instead of holding out to principle, Lord Salisbury has gone back upon his own statements and admissions, and allowed M. Waddington to influence him against the request of the delegates for the appointment of judges by the Government of this Colony. During the interviews that the delegates had with Mr. Bramston and Sir T. Sanderson, there was no objection whatever made to the Colony having the right to appoint the judges. The principle was fully admitted all round, and the only question that arose was the minor one as to who should pay their salaries. Sir T. Sanderson said if the Imperial Government paid the officers they ought to have the right to appoint, and that if the Colony appointed it should pay the salaries. It was plain enough, from these statements, that there was no objection to the principle of Colonial appointments. Sir R. Herbert said to him (Mr. M.) and Sir W. Whiteway, that he thought we were justified in asking for Colonial appointments, and that he would do his best with Lord Knutsford to get over the question of the payment of the salaries of such officers. The delegates made it a special point to endeavour to impress the British Government with this view of the situation—to show the reasonableness of the position, and their views met with approval until M. Waddington objected, when the principles which had been admitted were at once withdrawn and the whole work of the delegation upset. Why, then, should we now be asked to rush through a measure so altered in its essential principles and so unsuited to the circumstances and interests of the people of this Island? Under the proposed law our people would have no chance of fairplay whatever. If they were molested or injured or their interests damaged in any way, they would first have to go to the trouble of finding access to a naval officer, and when they had gone to all the trouble and expense by delay of fishing operations, &c., it would then entirely depend upon the will or caprice of such officer as to what action should be taken, and the poor subject would have but a slim chance of obtaining a redress for his grievance. In all the Bill there was not one word said of the right of our people to make complaints to these courts. It was quite true that upon the complaint of a Frenchman the courts would be authorised to arrest a British subject and deprive him of all that he might be worth in the world. His boat, nets, and all other fishing appliances might be taken from him, and he might be left in an absolutely helpless condition and told to “go his way,” there was no redress for him.

Anyone could imagine how hard such a fate would be, and the most serious consequences would be sure to follow upon the operation of such a law. The Bill before the other House was nothing better than a menace to the liberties of the people of this Island, and the Government dared not pass such a measure in the face of strong public feeling, and with a foresight of the emphatic condemnation of such an Act as would ring throughout the whole Island should it unfortunately pass into law. The hon. gentleman was very careful in speaking about this matter, and appeared to think that the most serious consequences would follow if the Bill were not passed at once. He, Mr. M., did not think anything of the kind. There was no just reason for anticipating any evil consequences from such delay as may be necessary in order to improve the Bill. But, whether or not, if the British Government was determined to force upon us an objectionable measure, our duty, as freemen, was to resist as long as possible, and to the utmost of our ability, and, finally, if we could not carry our point, still to protest and let the Imperial Government take the onus and responsibility of bringing such a law into force. We dared not pass this Bill in its present form; for if we did so, we should be simply bringing about a condition of things that would be no better than that which existed under the Act of George the Fourth. He, Mr. M., repudiated the idea that the delegates who returned first from England broke faith with the other two. It was not the case. They had returned earlier because they were tired of staying there and doing nothing. We should keep the Imperial authorities up to their bargain, and accept no measure excluding those important and essential principles, including right of appeal to the Supreme Court of this Island, and the appointment of judges of courts, on the Treaty Coast, by the Government of this Colony.

Thursday, May 12.

Hon. the Premier.—In moving the second reading of this Bill, although it may not be absolutely necessary, still I think it expedient and desirable in order to refresh the memory that I should refer to the circumstances which have brought about its introduction. The Treaties of Utrecht and Versailles, between Great Britain and France, and the declarations of the Sovereigns of the respective nations relative to the fisheries on the West and North-east coasts of this Island, and in relation to the cession to France of the Islands of St. Pierre and Miquelon, are familiar to hon. members; but I believe there are many parties who talk glibly upon the subject, and who have never read those Treaties or Declarations. There were Acts passed by the Imperial Parliament to enable the Sovereign of Great Britain to carry into effect those Treaties and Declarations. The last of these Acts, passed in 1824, was a temporary Act and expired on the 31st December 1824, between which date and 1891 the officers of Her Majesty's ships, under instructions from Her Majesty, continued to carry into effect the fishery engagements with France as though the last-named Act was in existence. Questions having arisen in the case of "*Baird v. Captain Walker*" as to the power exercised by the latter—a naval officer—in closing Mr. Baird's lobster factory, and the Supreme Court having adjudicated in favour of Mr. Baird, there was an appeal to the Privy Council, which appeal is still pending. In the meantime a Bill was introduced into the Imperial Parliament to re-enact the Act of 1824, and the Legislature of this Colony strongly protested against the passing of such an Act, upon the grounds with which we are all conversant. A delegation was appointed in April last by this Legislature, consisting of myself, the Speaker, Mr. Morine, and the Honourable Messrs. Harvey and Monroe from the Legislative Council, to proceed to England for the purpose of urging our protest against that Bill. The proceedings of that delegation were reported to this House, and it is incumbent upon me, briefly, to refer to their action. The delegates were conscious of the *unquestionable position* that the existing Treaties must be honourably executed, but they complained of the manner in which they had been executed, and of the instructions under which such had been done. They contended that the French construction of the Treaties had been acted upon contrary to the views frequently expressed by British Ministers and their construction of the Treaties, and that such action was adverse to the interests of this country. Before he referred to the proceedings of the delegates he would quote from the address which passed the Legislature and constituted the delegates' instructions and the basis of their action—upon it was formed the course of action which the delegates adopted; and, although he may not be in accord with all that was done by the delegates, still he would not repudiate anything that was done by the majority of them, for there is a resolution which provides—

"Resolved,—That when a majority of the delegates agree to any basis of arrangement
 "and settlement, the delegation shall recommend it to the Legislature; and that each
 "member of the delegation shall be bound by the decision of a majority of the
 "delegation, and pledged to use his best efforts to procure adoption afterwards by the

“ ‘Legislature of any arrangement made by the delegation—all of which is respectfully
 “ ‘submitted.’ ”

He would quote a portion of the address of the Legislature to be presented to the House of Commons :—

“ Your honourable House is aware that the old-time difficulties consequent upon the
 “ ‘Treaties between Great Britain and France on the subject of the Newfoundland
 “ fisheries have of late years assumed even unaccustomed gravity, producing painful and
 “ ceaseless agitation among our people. Two delegations proceeded from here during
 “ last session to represent to Her Majesty’s Government the exorbitant growth of the
 “ claims of the French under alleged sanction of treaties, and the further injustice
 “ wrought to the community of Newfoundland. Their efforts for redress have been so
 “ far unsuccessful, and we are now confronted with a new evil essentially more
 “ intolerable than those with which experience has made us but too familiar.

“ We refer to the proposal of Her Majesty’s Government, by a Bill now before
 “ Parliament, to re-enact the Act of Geo. IV., cap. 51, ‘For the better conduct of the
 “ ‘Treaties between Great Britain and France respecting the Newfoundland Fisheries,’
 “ which Act was repealed in 1871.

“ This Act embodied provisions of an oppressive and arbitrary character, wholly
 “ repugnant to those principles of liberty and justice which are held to be the basis of
 “ modern British legislation. They conferred upon the officers of Her Majesty’s ships
 “ engaged in the fisheries protective service, who were entrusted with the settlement of
 “ Treaty disputes, powers of summary adjudication, independent of all the restrictions
 “ and safeguards which British law has devised for the defence of the inherent rights of
 “ British subjects. These powers extended to most severe penal inflictions, and were
 “ beyond all appeal. And when it is remembered that they were exercised by persons
 “ unacquainted with legal procedure, and whose peculiar training and habits of thought
 “ and action dictated unquestioning submission to their decrees, it must be manifest
 “ that excessive hardships and injustice were the frequent and inevitable results.

“ It may be alleged that while yet the Act of Parliament in question was on the
 “ statute book it had been allowed to lapse into comparative desuetude, so incompatible
 “ with modern civilisation would have been the application of this barbarous law. But
 “ unhappily the record of the years 1887, 1888, and 1889 gives instances of its enforce-
 “ ment under assumed authority, with disastrous consequences to the property and
 “ industry of some of Her Majesty’s subjects engaged in the fisheries of Newfoundland.”

“ We would therefore most earnestly implore your honourable House, by all your
 “ honoured and revered traditions, to desist from inflicting upon the people of this
 “ country the calamity of such an enactment as that which is now in contemplation.

“ We would remind your honourable House that Her Majesty’s Government and
 “ that of France have lately agreed upon arbitration respecting the Newfoundland
 “ fisheries; this tribunal, however, proposing to deal with one question only, and this
 “ the recent question of the lobster fishery. This partial proceeding has been decided
 “ not only without reference to the Newfoundland Government, but against their
 “ emphatic protest. We, too, on the part of the Colony, beg to present an equally
 “ emphatic protest against a course adopted in direct violation of the principles of that
 “ constitutional form of government which it is now our privilege to possess.

“ We would, in conclusion, respectfully invoke the aid of your honourable House for
 “ the protection of treaty rights of Newfoundland against the demands of the French
 “ for an exclusive fishery, including lobster fishing, on those portions of coast where
 “ they hold acknowledged privileges. The rights of British subjects have been on
 “ several occasions declared, and the pretensions of the French disallowed, by some of
 “ the ablest of the statesmen of Britain, notably by Lord Palmerston, and only last year
 “ by the Marquis of Salisbury. We feel that your honourable House will recognise
 “ the justice of our prayer that the definitions of these high authorities shall not continue
 “ to be mere theoretic pronouncements which France is permitted to contravene, but
 “ shall be carried out in their true significance and to their full practical effect.”

And he would ask hon. members the meaning of this portion :—

“ This Act embodied provisions of an oppressive and arbitrary character, wholly
 “ repugnant to those principles of liberty and justice which are held to be the basis of
 “ modern British legislation. They conferred upon the officers of Her Majesty’s ships
 “ engaged in the fisheries protective service, who were entrusted with the settlement of
 “ treaty disputes, powers of summary adjudication independent of all the restrictions
 “ and safeguards which British law has devised for the defence of the inherent rights of
 “ British subjects. These powers extended to most severe penal inflictions, and were
 “ beyond all appeal. And when it is remembered that they were exercised by persons

“unacquainted with legal procedure, and whose peculiar training and habits of thought and action dictated unquestioning submission to their decrees, it must be manifest that excessive hardships and injustice were the frequent and inevitable results.”

You asked that the proposed Act which had been introduced into the Imperial Parliament should not be passed. You admitted that the Treaties existed, and whilst they existed they must be executed; but you objected to the mode of execution—that is, by naval officers under instructions from Her Majesty. There may be those who would consider this the best mode of execution—you thought otherwise—and the words of your address clearly indicated that you wanted a judicial tribunal to intervene between the naval officer and the subject, and your delegates adopted your views. If you did not mean the creation of a court, what did you mean? You complained that the Bill proposed contained provisions of an arbitrary and oppressive character, repugnant to the principles of liberty and justice; that naval officers were entrusted with the settlement of *Treaty disputes* and powers of *summary adjudication* independent of the restrictions and safeguards which British law has devised for the defence of the rights of British subjects; that the powers of the naval officers extended to penal inflictions beyond *appeal*, and that these naval officers were unacquainted with legal procedure. He again asked, what did all this mean if not that you wanted a court of justice to which you might appeal to protect and safeguard your rights, in which court Treaty disputes should be adjudicated according to law, and not settled at the arbitrary volition of a naval officer? What has British law devised for the protection of the subject, if not courts of justice, to which the injured might appeal? He had referred fully to this, because it had been said that the delegates exceeded their powers when they asked for the establishment of a court, or, in fact, made any proposal. It was said that the delegates should have gone over, protested against the Bill, and done their utmost in that direction, and returned. Surely, when we admitted that the Treaties must be carried out and protested against the mode proposed by the Imperial Government for doing so, we would be expected to suggest a substitute; your address indicated what that should be: the establishment of the safeguard of a judicial tribunal. If, when we asked to stay the passing of the Bill, which we considered obnoxious, and we were asked what we would propose instead (for the Treaties must be executed), we could only reply, “We can suggest nothing.” How utterly absurd such a position would be! He would ask, why were the delegates sent home at all, if all their powers simply consisted of protesting?—Why was all the expense of a delegation incurred? A protest sent by the Legislature would have been equally effectual. By the resolution referred to, each member of the delegation was pledged to use his best efforts to procure the adoption, afterwards, by the Legislature, of any arrangement made by the delegation; to this he would refer again before he had done, and he would pass on to consider the action of the delegates. Upon arrival in London they waited upon the Premier of the Government and the Secretary of State for the Colonies, and after much discussion they made a proposition in accordance with your address, but dealing with the matter more in detail. They were asked to put their views and proposals in writing, which the delegation were unanimous in doing, sending their memorandum to Lord Salisbury and a copy to Lord Knutsford.

MEMORANDUM in relation to the NEWFOUNDLAND FISHERY QUESTION.

“Hotel Métropole, April 21, 1891.

“The delegates would respectfully submit to the consideration of Lord Salisbury the following proposals, which they trust will meet with his Lordship’s approval:—

“First.—(a.) The Newfoundland Legislature to pass immediately an Act authorising the execution for this year of the *modus vivendi*, the award of the arbitration commission regarding the lobster question, and the Treaties and Declarations, under instructions from Her Majesty in Council.

“(b.) The further progress of the Bill now before Parliament to be deferred until the passing of the above Act, and the Bill then to be withdrawn.

“(c.) The terms of an Act to empower courts and provide for regulations to enforce the Treaties and Declarations to be discussed and arranged with the delegates now in this city, as rapidly as possible, and to be enacted by the Legislature of the Colony as soon as agreed upon.

“Second.—(a.) The present arbitration agreement not to be allowed to operate further than the lobster question without the prior consent of the Colony, and in this case the Colony to be represented upon the commission.

“(b.) The Colony desires an agreement for an unconditional arbitration on all points that either party can raise under the Treaties and Declarations, and if this be arranged between Great Britain and France, Newfoundland will ask to be represented upon such arbitration; and pass an Act to carry out the award.”

NEWFOUNDLAND DELEGATES TO THE MARQUIS OF SALISBURY.

“ MY LORD,

Hotel Métropole, London, April 21, 1891.

“ WE beg to enclose herewith the proposals which your Lordship was so kind as to ask us to submit in writing. The delegates feel that the adoption by Her Majesty’s Government of the propositions now made will cause the excitement now prevailing in the Colony to subside, and will secure harmony upon the debatable ground.

“ We also beg to enclose, for your Lordship’s information, copies of the Minutes of Proceedings in the Legislature of Newfoundland in connexion with our mission, from which your Lordship will perceive that we have ample powers to make the propositions now submitted.

“ May we ask that your Lordship will favour us by expressing the views of Her Majesty’s Government upon the proposals now made in time for our consideration before the day now set down for the second reading of the Bill now before the House of Lords.

“ We have, &c.

(Signed)

“ W. V. WHITEWAY.

“ A. W. HARVEY.

“ M. MONROE.

“ GEO. H. EMERSON.

“ A. B. MORINE.

“ The Right Honourable

“ The Marquis of Salisbury.”

We were, as you were, and justly and properly so, jealous of the intervention of legislation by the Imperial Parliament, possessing, as we do, a constitutional Government. What legislation might be necessary in order to the execution of a treaty by which we were bound, we agreed should be done by us. In doing this we were only recognising the obligation which rested upon us of carrying out the Treaties. If we omitted to perform our duty, then, of course, the British Parliament could, and would, no doubt, act as they were bound to do. We promised to pass a temporary Act, giving power to Her Majesty to execute the Treaties, as heretofore, for this year—that is, 1891—and insisting as a condition that the terms of a permanent Bill to establish courts should be discussed and arranged then in London, as rapidly as possible, and to be enacted as soon as agreed, meaning that no time should be lost in order to get rid of the temporary Act and substitute the Act creating the courts at once. We contended that by such a course of action the excitement then prevailing in the Colony would subside. That was the view expressed by all the delegates, fully believing that they had ample power to make the proposal, or certainly they would not have done it. Lord Salisbury replied to that letter on the following day:—

“ GENTLEMEN,

Foreign Office, April 22, 1891.”

“ I HAVE to acknowledge the receipt of your letter of yesterday’s date.

“ The suggestions contained in it have received our immediate and careful consideration.

“ We willingly recognise the sincerity of your desire to make proposals which should be acceptable to Her Majesty’s Government.

“ But we feel that at the stage at which the question has arrived, and in view of the international considerations which it involves, it is not possible for us now under any circumstances to withdraw the Bill which has been introduced into Parliament. The Bill is merely facultative in its provisions, and nothing will be more satisfactory to Her Majesty’s Government than that timely and adequate legislation by the Colony should render it unnecessary to bring it into effect.

“ I have, &c.

(Signed) “ SALISBURY.

“ The Newfoundland Delegates.”

On Tuesday, the 21st April, having previously obtained the consent of the House of Lords to be heard at the bar at the second reading of the Bill, fixed for Thursday, 23rd April, we asked for time to prepare our address, but our request was not acceded to, and

we were heard at the bar of the House of Lords on the 23rd. The address is before you, and in it we complain of the Imperial Parliament legislating over our heads, and insist upon our right to legislate for all matters concerning the territory within the jurisdiction. We strongly object to Imperial legislation. We admit that legislation is necessary, and that we have a right to enact it. We said :

“ We object to the passage of the Bill now before your Lordships, because it was introduced into Parliament before the Government, the Legislature, or the people of Newfoundland had an opportunity to accept or oppose it, or to suggest its amendment; which is opposed to the principles of responsible government granted to the Colony, and in direct opposition, as we conceive, to the assurance given to the Colony in 1857, when the Right Honourable the Secretary of State sent the despatch to the Government of Newfoundland announcing the abandonment of a proposed Convention with France.

“ Neither the present Act nor any other specific Act has ever been submitted to the Colonial Government or Legislature for definite acceptance, rejection, or amendment. Information that this Act would be introduced was not given to the Government of the Colony till the 17th day of March last, nor to the Legislature till the 18th day of the same month, though the British Government determined in the middle of January to procure its enactment, and transmitted a despatch to Governor O'Brien on the 19th of that month giving information in regard to this Bill, which must have been received by him before the middle of February, but was not submitted to the Government of the Colony until the date above mentioned. Knowledge of the introduction of the Act into Parliament on the 19th day of March last was first received by the Government and Legislature of the Colony on the same day by means of telegrams from private persons, and repeated applications by the Legislature to the British Government for a copy of the text of the Bill failed to procure it prior to our departure from the Colony. If this Bill had, before its introduction, been submitted to the Government and Legislature of the Colony, with an intimation of the British Government's intention to procure its enactment by Parliament, such arrangements might have been made as would have prevented the present unpleasant condition of affairs.

“ We respectfully submit that the power of legislation on all matters concerning the territory within the jurisdiction of the Colony is vested in the local Legislature, subject, of course, to Her Majesty's assent; and although we do not pretend to contend that power to legislate for the Colony does not reside in the Imperial Parliament, we most humbly urge that it is a power which should not be exercised before the local Legislature has most clearly and distinctly refused to enact laws adequately meeting the necessities of the case, and then only in cases of extreme emergency.”

Then we proposed that special courts should be created, if the subject-matter of the treaties could not be dealt with by the ordinary Municipal Courts of the Colony. We said :—

“ We object to this Bill because, utterly ignoring the Municipal Courts, it commits the enforcement of the Treaties and regulations to the care and supreme control of naval officers not learned in the law, unskilled in legal procedure, and not trained in a manner qualifying them to adjudicate upon abstruse questions affecting the peace of the Empire upon the one hand, and the rights of individuals upon the other. The sovereignty of the Island of Newfoundland is in Her Majesty, and the right of fishing and drying fish on the coast was conceded to the French merely as an easement. To the enjoyment of this easement they are entitled, and for any interruption or injury they may allege to have sustained, appeal for redress should be made by them to the judicial tribunals of the sovereign of the soil in the first place.

“ We therefore most earnestly urge that Her Majesty's ordinary courts of justice in Newfoundland are the tribunals which should adjudicate upon questions arising between British and French fishermen. From any judgment a final appeal would lie to Her Majesty and the Privy Council. In no case should naval officers be permitted to try causes arising as aforesaid, since courts of justice already exist in the Colony for the purpose, and if it be deemed impossible for the ordinary courts to enforce the law in such a manner as to adequately insure justice to the French, special courts could and should be provided.”

Again we say—

“ We are not unaware or unappreciative of the difficulties with which Her Majesty's Government have to grapple, and *we are sincerely desirous of aiding in their solution.*

“ *Actuated with this spirit, we have approached the Government with proposals calculated, we sincerely believe, to give all necessary power to execute the Treaties, declarations and agreements with France according to their true intent and meaning.* Those proposals are as follows :—

“ First.—(a.) The Newfoundland Legislature to pass immediately an Act authorising the execution for this year of the *modus vivendi*, the award of the Arbitration Commission regarding the lobster question, and the treaties and declarations under instructions from Her Majesty in Council.

“ (b.) The further progress of the Bill now before Parliament to be deferred until the passing of the above Act, and the Bill then to be withdrawn ;

“ (c.) The terms of an Act to empower courts and provide for regulations to enforce the treaties and declarations to be discussed and arranged with the delegates now in this city as rapidly as possible, and to be enacted by the Legislature of the Colony as soon as agreed upon.

“ Second.—(a.) The present arbitration agreement not to be allowed to operate further than the lobster question without prior consent of the Colony, and in this case the Colony to be represented upon the Commission.

“ (b.) The Colony desires an agreement for an unconditional arbitration on all points that either party can raise under the treaties and declarations ; and if this be arranged between Great Britain and France, Newfoundland will ask to be represented upon such arbitration, and will pass an Act to carry out the award.

“ We regret that up to the present moment these propositions have not been accepted, nor any hope been held out that they will be. The temporary legislation which we have proposed to procure the enactment of would be immediately adopted by the Legislature of the Colony, and present needs thereby amply met. The details of a permanent and thoroughly satisfactory measure could be arranged and enacted without delay by the Legislature of the Colony. The adoption of our proposals would at once cause excitement to subside, and would induce peace under conditions which make coercion by warships extremely difficult, if not impossible. If the Bill now before your Lordships becomes law, its provisions will have to be enforced upon a resentful people ; but if our propositions are adopted, every good object which the present Bill can have in view will be easily and pleasantly attained, and without injury to the proper pride of a people who, though few in number, are as much entitled to consideration as the inhabitants of the proudest portion of the British Empire. No good can possibly come from coercing, or threatening to coerce, a people willing to do their whole duty ; and to enact the Bill now before your Lordships, in face of the propositions made by us, would be a needless indignity to a loyal people.”

Now, what does all this point to but the urgent immediate action of this Legislature for the creation of courts to intervene between the naval officer and the subject, and this was all done by the delegates under the resolutions before mentioned, and in strict accordance with the address of the Legislature ; and we shall see presently that it was all confirmed by the Legislature. With the permission of the House, he would quote a few passages from speeches made by Lord Knutsford and others on the discussion of the Bill at the second reading :—

“ Although Her Majesty’s Government cannot give their assent to some of the statements made in the petition—and, indeed, they regret the tone of some parts of that petition—yet from the first they have never hesitated to give assent to the prayer of that petition, that the representatives of the Colony should be heard at the bar of the House. In the first place, I said that this Bill does not interfere with any local questions ; it does not interfere with any matter of internal regulation or administration in the Colony, or with the independence of the Colonial Legislature. The Bill is of an Imperial character, involving international obligations, and it has for its sole object to enable this country to secure the observance of those international obligations and arrangements. These obligations affect the fishery rights of the French along certain parts of the coast of Newfoundland, and are as binding upon the Colony, as part of the Empire, as upon this country. We hold that the Colonists received the grant of a representative Legislature subject to such treaties and obligations. Therefore it is their duty, in the first instance, to pass such measures as might be necessary to secure the performance of those obligations.

“ I now address myself to what has happened since the first reading of the Bill. The reports in the papers show that very considerable irritation sprang up in Newfoundland upon hearing that a Bill was to be introduced into the Imperial Parliament, but I do not think that we must assume that the same feeling was shared by the whole Colony. I have received a telegram from Mr. Howley, who has as great an acquaintance with

“ the views of the fishermen on the west coast as anyone, and he states that the fishermen on that coast are in favour of the course taken by Her Majesty’s Government. I may also point out, as showing that there is a strong feeling along the coast against the action of the politicians at St. John’s, that the fishermen of the west have taken it into their own hands to resist the working of the Bait Act, and have determined to carry and sell bait to the French at St. Pierre. I am not to be supposed as upholding the act of the fishermen. I do not defend the breach of the law of the land, but I merely refer to it as showing that opinion is not all one way in the Colony. The attack upon the Government has proceeded on two lines. There has been an attack upon the Bill and its terms, and also upon Her Majesty’s Government in introducing it; there has been an attack upon the general policy of Her Majesty’s Government in agreeing to arbitration on the lobster question and in renewing the *modus vivendi*. That policy has been thought coercive and arbitrary, and as interfering with the independence of the Colonial Legislature. I think I have shown that these complaints are misplaced, that the policy of the Government is not of a Colonial but an Imperial character, and that the independence of the Colonial Legislature is not only secured, but almost prayed for, in the second section of the Bill.

“ With reference to the concluding paragraph of the fourth head of objection, I would observe that this Bill does not interfere in the slightest degree with the jurisdiction of the Colonial courts, and it appears to me, although I speak under correction, that the view stated by Sir W. Whiteway that those courts can adjudicate upon questions arising between French and British fishermen is correct. I apprehend that they can do so, and that if a question as to the construction of a Treaty were to arise before the court it would be decided in the ordinary way, subject to appeal to the Privy Council. The decision would bind persons within the Colonial jurisdiction; and if a foreign power were to dissent from that decision, I presume that it would proceed diplomatically. As to the possibility of erecting special courts, I am not prepared at present to offer an opinion.”

Again the Earl of Kimberley said:—

“ It appears to me that there are three questions raised for consideration. The first is, whether any legislation at all is necessary; the second, whether this Bill is a proper Bill; and the third is as to the proposals of the Newfoundland delegates. I abide by what I said upon the occasion of the introduction of the Bill, that legislation of some kind is necessary; and that if such legislation is refused by the Colonial Legislature, then I think it may, and ought to, be passed by Parliament. (Hear, hear.) First of all, and principally, it has been discovered that in fact there exists at the present time no lawful mode of enforcing our Treaty obligations in Newfoundland. We are, I think, bound to see that there is lodged in the hands of the Government, either the Colonial Government or the Imperial Government, powers to enforce our Treaty engagements, be they what they may. (Hear, hear.) A further question which is also raised has regard to the enforcement of the *modus vivendi*. While the negotiations are proceeding with France, it is plainly necessary that there should be a truce until the respective rights are specifically ascertained. The *modus vivendi* does not in any way infringe the assurance given by Mr. Labouchere to the Colony, for the *modus vivendi* is not for the purpose of making new Treaty arrangements, but for the purpose of ascertaining what the existing Treaty engagements really are. (Hear, hear.) It is clear, therefore, there must be legislation of some kind.

“ They (the delegates) protested against the jurisdiction of naval officers. They complained that naval officers had no legal training, and said that the interests of the Colony ought to be dealt with in regular courts; and I think the noble Lord has to some extent admitted that view. I do not wish to intrude into that very difficult department of law relating to the precise jurisdiction which is exercised over territorial waters; but I do not think that Newfoundland could exercise the necessary control which must be exercised in territorial waters. There might be a necessity for prompt action in these territorial waters, and, of course, the Newfoundland Government could not keep a number of cruisers for the purpose of enforcing the provisions of the Act. All these seem to be valid reasons why the jurisdiction of the Colony in regard to territorial waters ought to be exercised by a naval officer under the instructions of Her Majesty’s Government. As regards the jurisdiction on land, however, I cannot conceive that anyone will say it is proper for a naval officer to exercise it under instructions from the Government. Formerly the coast, 700 miles long, was practically uninhabited. It was frequented during the fishing season only, and only a few people were left to look after some fishing boats and nets. Under the circumstances I see that it was impossible to refer matters of disputes to the courts, and that

“ the only way the thing could be done was through a naval officer. But now the
 “ state of affairs is altogether changed, and I should regard it as a great misfortune if
 “ you had to enforce the Treaties in the manner indicated by the Act of George IV.
 “ It seems to me that these rights on the land should be enforced in a court. As the
 “ noble Lord pointed out, an appeal would lie to the Privy Council, and the French
 “ Government would, of course, retain all its power of remonstrating against the result
 “ if it should think that the Treaty had not been carried into effect. I should suppose
 “ that by special courts the delegates mean special Imperial Courts which would act
 “ independently of the ordinary courts of the Colony. If possible—and I would press this
 “ strongly upon your Lordships—we should establish some courts of competent jurisdic-
 “ tion which should deal with all these matters on land; and I am sure that if that were
 “ done it would go a long way towards dispelling the disagreeable feeling which exists
 “ among the Newfoundlanders with regard to the enforcement of the provisions of the
 “ Treaty upon the coast.

“ I feel strongly for the Colonists, but I am bound to say I think that, in view of the
 “ very peremptory manner in which they have rejected one proposal after another, and
 “ of the very strong language which they have thought necessary to use towards Her
 “ Majesty’s Government, it may almost be said that there has been a certain amount of
 “ provocation. But I do not think anything in regard to provocation ought to enter
 “ into our minds at all. (Hear, hear.) We have to deal, not with the past, but with
 “ the present, and if after all that has passed, the Colony holds out the olive branch to
 “ us, is it not for the interest of both parties that the angry feeling which has been
 “ aroused should be smoothed down?”

And Lord Herschell said—

“ There can be no difference of opinion as to the nature of the obligation that rests on
 “ the Government of this country to see that its Treaties which are in existence are
 “ enforced and fulfilled. The rights under the Treaties which we are considering,
 “ whatever those rights may be, are ancient, and came into existence at a time when
 “ there was no inhabitant population on the coasts in question. These Treaty obligations
 “ were not imposed on an existing community, but the community that has since grown
 “ up has come into being subject to the existence of these Treaty rights. This is
 “ beyond possibility of question. The liability of the inhabitants of Newfoundland to
 “ the burden of these Treaty obligations does not depend upon any connexion of the
 “ Colony with the British Crown. If that connexion was severed the Colony would
 “ still find itself face to face with the French nation. I am sure that under these
 “ circumstances the inhabitants of Newfoundland will feel that these ancient Treaty
 “ obligations, though casting upon them a serious burden, are accompanied by grave
 “ responsibility to the Government of this country, and that it is deserving of con-
 “ sideration in the difficult position in which it finds itself when called upon to enforce
 “ these Treaties. On the other hand, I am sure that the people of England will regard
 “ with sympathetic consideration the critical position of the inhabitants of Newfound-
 “ land—hear, hear—a position which differs most materially and vitally from anything
 “ in contemplation at the time those Treaties were made.

“ If the people of Newfoundland have sometimes appeared to press their claims unduly
 “ or to exaggerate their rights, or to be over-sensitive or jealous of the action of the
 “ Government at home, the people of this country will be disposed to view their
 “ conduct with indulgence. (Hear, hear.) I certainly do think they have over-
 “ stated their case. It is impossible to contest the position that, bound as this country
 “ is by Treaties, Her Majesty’s Government has power, pending negotiations for the
 “ settlement, to arrange a *modus vivendi*. There is no tribunal in differences such as
 “ these to which an appeal can be made. The last resort is the arbitrament of war.
 “ When it is remembered that war would involve, not only this country, but her
 “ Colonies and dependencies, it is, I think, impossible to contend that Her Majesty’s
 “ Government has not power to enter into a *modus vivendi* in order to secure a
 “ settlement of differences which might lead to all the disastrous consequences of
 “ war.”

“ The moment that Her Majesty’s Government came to the conclusion that they did
 “ not possess powers to enforce the Treaties or the *modus vivendi*, no one could blame
 “ them for determining on obtaining such powers; but certainly, as soon as that
 “ conclusion was arrived at, it would be in the highest degree expedient to communicate
 “ this decision to the Colonial Government, pointing out that if the Colonial Legislature
 “ did not carry out the required legislation the Imperial Parliament would have to do so.
 “ I entirely agree that the power of enforcing these Treaties cannot be regarded as a
 “ matter merely concerned with the internal administration of the country. But still I

“ think that Treaties ought to be carried out as far as possible under the provisions of the municipal law prevailing in the Colony, and as far as possible in harmony with the constitution of the Colony.” (Hear, hear.) “ What is the proposal in this Bill? It is simply to revive the power contained in an old Act—no doubt a very arbitrary power—the power given to a Naval Officer in authority, acting under the orders of the Government of the day, to go ashore on the whole of this coast, and to take down buildings, and generally interfere with the property of British subjects. No doubt that is a very serious and arbitrary power, inasmuch as it is one that can be controlled by nothing but the will and discretion and judgment of the executive. Your Lordships must remember the altered condition of things since these Treaty obligations were entered into. Then there were no inhabitants on these shores; there were no courts; the country had no settled institutions; the territory had not been brought within the municipal law at all. In all these respects matters are now altered, and it seems to me that that which in the middle of last century might have been an appropriate and necessary means of enforcing a Treaty ceases to be so when you have such a condition of things as exists at the present time. I apprehend that the ordinary, proper, constitutional method by which obligations undertaken ought to be discharged, is by making a breach of a Treaty a breach of your municipal law, and I can see no reason why that method should not have been adopted on the present occasion. Here let me say that I draw a distinction between acts done upon the shore—that is within the bounds of the municipal government—and acts done in territorial waters. There was a considerable discussion some years ago with regard to territorial waters. Up to a distance of three miles from the coast of any country, according to international law, there is a certain dominion, sovereignty, or power exercised by the nation whose shores are washed by the sea. In the case of the ‘Franconia’ there arose a great discussion as to the rights over those waters. The majority of the learned judges were of opinion that the land covered by these waters was not to be regarded as part of the adjacent territory, and that this country could only deal with any acts done there by virtue of legislation. Accordingly, in 1878 or 1879, an Act was passed which applied not only to the United Kingdom but to all the Colonies, which does make certain offences in territorial waters subject to what was known as the jurisdiction of the admiral. It seems to me that the only practical way in which Treaty obligations could be enforced in territorial waters would be by the agency of a Naval force, and I do not anticipate that there would be any objection on the part of the Newfoundlanders to the jurisdiction of Naval officers in the territorial waters.”

Afterwards, on the 4th May, when the motion was made for the House to go into Committee on the Bill, Lord Kimberley said—

“ I wish, in the first place, to disclaim any desire to embarrass the Government in the conduct of this difficult question. I am certain that I speak for those who act with me when I say that we all recognise the absolute necessity of legislation, either by the Imperial Parliament or by the local Legislature, in order to enable this country fully to discharge its obligations towards France with regard to the fisheries, and with regard to the convention recently concluded for the purpose of settling the lobster question. My reason for making the motion is my strong feeling that it is most important that the undoubted power of this country to override the Colonies possessing legislative powers with regard to their own affairs should only be exercised in the last extremity, and as a last resort. In the present instance the delegates acting on behalf of Newfoundland have distinctly intimated their willingness to pass a Bill which unquestionably embraces all the points at issue. I can scarcely conceive, unless the Legislature of Newfoundland is likely—and I am told it is most unlikely—to repudiate the action of their delegates, that anything is likely to occur which would necessitate so much haste that we should go forward with the Bill before us to-night.

“ I should be extremely sorry if there were to be any misunderstanding on the part of the Government that any action which has been taken in this matter by us in this House implies the slightest desire to throw any impediment whatever in the way of the due carrying into effect of the Treaties which have been entered into with France. (Hear, hear.) It is a domestic matter which we have to settle with our Colonies, and we on this side, while admitting in the fullest degree our obligation to France, have not the slightest intention of throwing difficulties in the way of this Convention being rigidly and fully carried into effect.”

He (the Premier) merely quoted these passages—and there are many others of a like character in the speeches of members of the House of Lords—to show the consensus of opinion existing between Lord Knutsford, the Secretary of State for the Colonies, upon the one side of politics, and Lord Kimberley and Lord Herschell on the other, as to the

necessity for legislation, which, if this Legislature did not enact, the Imperial Parliament must do so. Referring to that part of Lord Knutsford's speech in which he speaks of having received a telegram from the Very Rev. Dr. Howley, it was quite fair for him to contend that this Legislature did not represent the views of all the people of the Colony in stating that we were groaning under the hardships inflicted by Naval officers, for that rev. gentleman had telegraphed that the people of the West Coast were desirous that the Bill then before the Imperial Parliament—the Bill which had been called a Coercion Bill, which had been so much condemned that five delegates had been sent across the water to stay its progress—should be enacted. By the quotations which he had made from the speeches of Lords Herschell and Kimberley, and from other portions of their speeches to which he would refer hon. members—and be it remembered that both these noble lords had espoused most warmly the cause of this Colony—it would seem that they differed but little in the main from Lord Knutsford, and seemed rather to favour the execution of the Treaties by Naval officers. He (the Premier) would now go back a little and refer to the correspondence which took place between Her Majesty's Government and the delegates—that from which he had already quoted, and would first direct attention to the letter addressed by the delegates to the Colonial Office, dated 1st May. No language could be stronger, in his opinion, in urging the adoption of their proposals, and pledging themselves and the Legislature to fulfil their promises. In this letter the delegates say—

“(a.) If the Bill now before the Lords be not further proceeded with, and if Her Majesty's Government admit the *principle of a measure for the creation of courts to adjudicate upon complaints arising in the course of the enforcement of the Treaties and Declarations relative to French Treaty rights, and engage to discuss and arrange with us as rapidly as possible the terms of a Bill embodying that principle*, we will with all possible speed procure the enactment by the Colonial Legislature of a measure giving power to Her Majesty in Council during the current year to enforce in the same manner as heretofore her rules and regulations for the observance of the *modus vivendi*, the award of the arbitration, and the Treaties and Declarations with France, which temporary Act the Colonial Legislature will replace by a permanent measure for securing the enforcement of the Treaties under the orders of the special Courts referred to above; provided that if, as the result of the enforcement of the award of the arbitration, the property of Her Majesty's subjects is disturbed, they shall be entitled to compensation.

“If a temporary Act by the Colonial Legislature is to supersede the Bill now before Parliament, Her Majesty's Government will perceive how wise it will be to prevent greater irritation in the Colony by refraining from proceeding further with the Bill now before the House of Lords, and will not hesitate, we hope, to accede to our requests in this respect. The burdens under which the Colonists suffer are great, the causes of irritation many; and they feel that, as the claims of the French are being unduly pressed for the purpose, apparently, of affecting the policy of Great Britain in other parts of the world, they may be said to be suffering for the benefit of the Empire at large. A proper recognition of their unfortunate position would induce Her Majesty's Government, we think, to be extremely considerate, and not to press forward the pending Bill in a manner which may be regarded by our fellow Colonists as indicating a want of confidence in us and in them.

“Heretofore the orders, regulations, and instructions of Her Majesty in Council for securing the observance of the Treaties and Declaration with France, have been carried into effect by Naval officers, who have apprehended, judged, and punished our fellow Colonists, combining, in fact, the functions of policemen, judges, and juries, and no right either of appeal or redress has been possessed by those who may have considered themselves aggrieved. We do not desire to cast any imputations upon the Naval officers, many of whom have proven true friends of the Colony, but the very nature of their duties and power has made hardship inevitable. We propose that they should now be relieved of a portion of their functions. They may continue to patrol the Treaty coasts, and may apprehend those against whom complaint is made for infringement of fishing rights; but in all cases the decision upon such complaints should be given by a qualified judicial officer appointed for the purpose, who would hear the evidence in each case and decide summarily, and whose decision the naval officers could carry into effect. In cases of complaints of interruption of rights of fishing the judicial officers should have power, upon the trial of such complaints, to issue and enforce such orders or injunctions as they deemed necessary to prevent such interruptions; and the parties to such complaints should have a right of appeal upon points of law to the Supreme Court of the Colony, and from the Supreme Court to

“ the Privy Council, but not so as to prevent the execution of any orders or injunctions
 “ issued for the purpose of preventing any interruptions complained of. The judicial
 “ officers should have a knowledge of local conditions, and of the manner of carrying
 “ on the fishery, and they should, of course, be thoroughly acquainted with legal
 “ procedure. It would therefore be necessary that they should be appointed by the
 “ Colonial Government, with the approval of Her Majesty in Council, and with such
 “ other safeguards as might be deemed necessary to secure their thorough impartiality.
 “ It would be necessary, perhaps, to provide that a judicial officer should be placed on
 “ board each ship of war upon protection service, or that several such officers should be
 “ stationed at various places on the Treaty Shores during the fishing season ; but this is
 “ a matter of detail which could be arranged. The creation of such courts as we here
 “ suggest would ensure our fellow Colonists fair trials, and would relieve the Naval
 “ officers of a task which must be uncongenial ; and the efficiency of the protection
 “ service would be increased rather than decreased.

“ The details of such a measure as we have outlined, though their preparation need not
 “ occupy a long time, cannot, we apprehend, be arranged in time to be made applicable this
 “ year ; and therefore, if Her Majesty’s Government agree in the main with the principle
 “ of our suggestions in this respect, the temporary legislation referred to can be pro-
 “ ceeded with at once, and the details of the permanent measure be more deliberately
 “ worked out. It would, however, be necessary to agree upon the terms of the
 “ permanent legislation *before we leave this city*, and extremely desirable to come to an
 “ agreement *so speedily as to make it possible to enact the measure in the local*
 “ *Legislature before the present session concludes, so that it could come into force at the*
 “ *beginning of next year. We represent all parties in the Legislature, and therefore a*
 “ *Bill agreed upon by and with us will be more satisfactory to the Colony, and be more*
 “ *likely to obtain acceptance, than a measure arranged at any other time and with any*
 “ *other persons.*”

“ In reference to the present Arbitration Commission we have to make the following
 “ proposals :—

“ If it be possible to abandon arbitration upon the lobster question, we strongly urge
 “ that it be done, for we fear grave complications as its result. But if it be not possible
 “ now to withhold that question, we ask an assurance—

“ 1. That no further questions shall be submitted to the Arbitration Commission
 “ without prior consultation with the Government of the Colony ;

“ 2. That the opinion of the Colonial Government will not be disregarded in the
 “ absence of some paramount consideration involving the welfare of the Empire ; and,

“ 3. That compensation will be given to those persons, if any, whose property may be
 “ disturbed by the award of the arbitration.”

In this letter the delegates earnestly urged the Imperial Government to withdraw the
 Bill before the Imperial Parliament and permit the local Legislature first to pass a
 temporary Act for one year and replace it by a permanent Act creating Courts, which they
 declare that they were desirous should be done with all possible speed, so that it might
 be passed immediately. That was in the session of last year (1891) of this Legislature.
 He had heard it urged that the provision in the Bill giving power to Naval officers to
 apprehend offenders had been objected to. The delegates proposed that they might
 “ apprehend those against whom complaint is made for infringement of fishing rights,”
 but he would refer to this again when he spoke on the Bill itself. Again, objection had
 been made to the provision in the Bill that, pending an appeal, execution might issue.
 The words of the delegates were : “ The parties should have a right of appeal, but not
 “ so as to prevent the execution of any orders or injunctions issued for the purpose of
 “ preventing any interruptions complained of.”

[Here the House took a recess of an hour.]

Before the adjournment, he (the Premier) was directing attention to the letter of the
 delegates of the 1st May. That letter was full of provisions on the part of the
 delegates, that the permanent Bill for establishing Courts should be arranged before they
 left London, and that as they represented all parties in the Legislature a Bill arranged
 by them would be more satisfactory to the Colony, and be more likely to obtain accept-
 ance than a measure arranged at any other time ; and the letter winds up with these
 words :—“ Having submitted our views so fully and frankly, we respectfully request that
 “ a reply may be vouchsafed as speedily as possible, and that any divergence of opinion
 “ may be pointed out. *What is to be done must be done quickly, as Her Majesty’s*
 “ *Government has indicated, and we hold ourselves in readiness at all times to perform*
 “ *our part.*”

Have the delegates all performed their part? We have very properly shown a jealousy of the interference of the Imperial Parliament legislating over our heads. We possessed a constitutional Government and we were anxious to show that what legislation was necessary should be enacted by our own Legislature, and that it was ready to discharge its duty. On the 4th May the delegates received a communication from the Colonial Office, in which Her Majesty's Government recognised the objections "raised against continuing powers to Naval officers, and expressed readiness to consider the terms of an Act to empower Courts and provide for regulations to enforce the Treaties and Declarations." This letter contains the further paragraphs:—

"9. As regards the further proposals made in your letter, Her Majesty's Government desire me to state that the arbitration upon the sole question now to be submitted to the Commission cannot be abandoned; but they are willing to give an assurance that no further questions shall be submitted to the arbitrators without full consultation with the Colonial Government, and that the opinion of the Colonial Government will not be disregarded in the absence of pressing considerations affecting the interests of the Empire.

"10. They will also carefully consider the question whether compensation should properly be given to those persons whose property may be disturbed by the award of the arbitrators, although they see no grounds for admitting any liability on the part of the Imperial Government to pay such compensation."

In this letter, and the correspondence which immediately ensued of the 6th, 8th, and 13th May, he (the Premier) did not consider it necessary particularly to refer, as it related to a misunderstanding which had arisen between the Colonial Office and the delegates, Her Majesty's Government contending, on the one hand, that the proposition of the delegates was that the Colonial Legislature was to pass an Act providing for the execution of the *modus vivendi* for 1891, and to secure permanently both the execution of the award of the Arbitration Commission on the Lobster Question and the fulfilment of the Treaties and Declarations. The delegates contending, upon the other hand, that the Act proposed to be passed by the Colonial Legislature for these purposes was to be temporary for one year, in order that the *modus vivendi*, Treaties, and Declarations might be carried out for that year of 1891, as heretofore, and that a permanent Act should be speedily arranged and passed for the creation of courts, which should be substituted for the temporary Act. He (the Premier) considered it unnecessary to further refer to this correspondence than to observe upon the earnest urgency with which the delegates repeated their previous propositions and requests as to the local Legislature immediately passing a temporary Act, and as speedily as possible—then, while the delegates were in London, arranging the terms of a permanent Bill for the establishment of courts, so that it might come into operation in 1892. No language could more strongly express this desire on the part of the delegates. On the 9th May the following resolution was passed by this Legislature:—

"Resolved,—That this Legislature will adopt such legislation as may be necessary to carry into effect the proposals made to the Imperial Government and Parliament by the delegates."

This resolution was passed to meet a doubt which seemed to be entertained, to the effect that the promise of the delegates to pass the temporary Act would not bind this Legislature to do so. To prove that the promise would be carried out this resolution was passed. The Bill which the delegates had so strenuously opposed in the House of Lords was passed by that House through its various stages and sent to the House of Commons, read a first time, and the second reading fixed for a day after the expiration of the Whitsuntide holidays. The delegates made application to be heard at the Bar of the House of Commons. The delegates received an intimation from their friends who had so warmly espoused the cause of the Colony, that a *promise* to pass the temporary Act referred to was not sufficient, but that the Act *must be actually passed* before they could urge the withdrawal of the Bill then before Parliament. The temporary Act being passed, providing for the execution of the Treaties, &c., for 1891, the permanent Act for the establishment of courts could then be arranged. Mr. Morine, one of the delegates, had left London on the 12th May for this country, when he had urged the passing of the temporary Act, and giving the reason of the delegates for such being done. The temporary Act was passed on 27th May, with a few alterations, one of which was insisted upon by Her Majesty's Government, to the effect that the temporary Act should be made to terminate at the end of the year 1893. It was given as a reason that as the English elections would probably take place in 1892, it was considered undesirable that it should become incumbent upon Her Majesty's Government to deal with the subject should the Legislature of this Colony not have done so in the present

session. On the 27th and 28th May the following letters were sent by the delegates to Her Majesty's Government :—

“ MY LORD, Hotel Métropole, May 27, 1891.
 “ WE learn that Her Majesty's Government are not adverse to acceding to the
 “ proposition made by us relative to the passing of a temporary Act for carrying out
 “ the *modus vivendi* respecting the lobster fishery, the execution of the award which
 “ may be made under the agreement for arbitration as regards lobsters, and the Treaties,
 “ providing that such Act is made to terminate at the end of the year 1893.
 “ We make this proposition with considerable reluctance, and refrain from recom-
 “ mending its conclusion by the local Legislature without receiving from Her Majesty's
 “ Government an assurance that in case such Bill be passed Her Majesty's Government
 “ will (1) withdraw the Bill now before the House of Commons, after its second
 “ reading ; (2) will also give assurance that the terms of a permanent Bill, to be passed
 “ by the Colonial Legislature, based upon the principle of the establishment of courts
 “ under judges or magistrates, instead of under Naval officers, for the adjudication of
 “ questions arising under the Treaties, *modus vivendi*, and award of the present arbi-
 “ tration, be forthwith discussed with the delegates, and arranged. Such permanent
 “ Act, when passed by the Colonial Legislature, might at once supersede the present
 “ proposed Colonial temporary Act.
 “ In case no such permanent Act can be arranged and passed—which we cannot
 “ conceive as probable—of course it will be competent for Parliament to pass such an
 “ Act before the end of the year 1893 as it may deem necessary for the carrying out of
 “ the Treaties, &c.
 “ Relying upon the assurances contained in your previous correspondence with us,
 “ especially with reference to the limitation of the present arbitration on the lobster
 “ question, and compensation to be made under the *modus vivendi*, we are of opinion
 “ that the Newfoundland Legislature will accede to our propositions made herein.
 “ We have the honour to be, my Lord,
 “ Your obedient Servants,
 “ THE NEWFOUNDLAND DELEGATES.
 “ The Lord Knutsford.”

“ MY LORD, Métropole Hotel, May 28, 1891
 “ PURSUANT to the purport of our communication of yesterday's date, and in
 “ accordance with the views expressed by the Right Honourable the Secretary of State
 “ for Foreign Affairs and for the Colonies, the Newfoundland Legislature, at our
 “ instance, has passed the Bill a copy of which has been sent to your Lordship, with
 “ the amendment suggested by your Lordship that the Act should continue until the
 “ end of the year 1893, and with alteration in the second section by inserting the words
 “ ‘or any continuation thereof pending the arbitration’ after the figures 1891. We
 “ presume that nothing now remains to be done by us or by the Newfoundland Legis-
 “ lature in order to obtain from your Lordship the withdrawal of the Bill now before the
 “ House of Commons after it has been read a second time, and that your Lordship will
 “ give such directions for the immediate arrangement with the delegates of the terms of
 “ a permanent Act based on the principle as mentioned in our letter of yesterday.
 “ We have the honour to be, my Lord,
 “ Your obedient Servants,
 “ THE NEWFOUNDLAND DELEGATES.
 “ The Lord Knutsford.”

This Legislature having passed the temporary Act on the 27th May, and telegraphed the delegates to that effect, on the afternoon of the 28th the delegates were to appear at the Bar of the House of Commons, to be heard against the Bill then to be moved for a second reading. The motion had been made and carried for the delegates to be heard, and whilst waiting to be called in the following letter from Her Majesty's Government was received :—

(Immediate.)

“ GENTLEMEN, Downing Street, May 28, 1891.
 “ I AM directed by Lord Knutsford to acknowledge receipt of your letters of the
 “ 27th and 28th inst., and to acquaint you, in reply, that Her Majesty's Government
 “ have with much satisfaction learnt from the second of these letters that the Colonial
 “ Legislature have passed the Bill (a copy of which was received from you on the 22nd
 “ inst.), with amendments in the second and fourth clauses ; the result being that the

“ Bill when it becomes law will have effect until the end of 1893, and will give power
 “ for enforcing a continuance of the *modus vivendi* of 1891, should it be found necessary,
 “ pending the arbitration, or Her Majesty’s Government to agree with the French
 “ Government for any such continuance.

“ 2. I have consequently the pleasure of conveying to you an assurance from Her
 “ Majesty’s Government that after the second reading they will withdraw the Bill which
 “ is now before the House of Commons.

“ 3. *I have further to acquaint you that Her Majesty’s Government are prepared
 “ forthwith to discuss and arrange with you the terms of a permanent Bill to be passed
 “ by the Colonial Legislature upon the general principle referred to in the second
 “ paragraph of your letter of the 27th instant; and I am to add that the views of Her
 “ Majesty’s Government in respect to the other points mentioned in that letter have
 “ been stated in the previous correspondence.*

“ I am, Gentlemen, your obedient Servant,

“ ROBERT G. W. HERBERT.

“ The Newfoundland Delegates.”

The proposals having been accepted by Her Majesty’s Government there was, of course, no necessity for our appearing before the House of Commons. The second reading of the Bill was deferred and not afterwards read. On the 30th May, two days after, the following letters were received :—

“ GENTLEMEN,

Downing Street, May 30, 1891.

“ I AM directed by the Secretary of State for the Colonies to intimate to you, with
 “ reference to the recent proceedings in Parliament and the correspondence with you in
 “ connexion with the proposed permanent Colonial enactment to constitute courts and
 “ provide for regulations to enforce obligations of this country under the Treaties and
 “ Declarations relating to the Newfoundland fisheries, that his Lordship will now be
 “ glad to proceed with as little delay as possible to consider the terms of that enactment,
 “ and proposes that you should place yourselves in communication with Mr. Bramston,
 “ of this Department, for the purpose of settling the general outline of such a measure
 “ as may appear to meet the requirements of the case.

“ I am, Gentlemen, your obedient Servant,

“ ROBERT G. W. HERBERT.

“ The Newfoundland Delegates.”

“ DEAR SIR WILLIAM,

May 30.

“ I HEAR that you have been asked to communicate with me about the permanent
 “ Bill. I shall be at the service of the delegates on Monday at 3, if convenient to
 “ them to come at that hour.

“ Yours truly,

“ JOHN BRAMSTON.”

So it would be seen that no time was lost by Her Majesty’s Government in complying with the request of the delegates to discuss the terms of a permanent Bill as speedily as possible. On Monday, the 1st of June, the delegates having concurred in a draft Bill to be submitted to Mr. Bramston, met him and Sir Thomas Sanderson at the appointed hour and submitted their draft. The terms of it were discussed, and also other points and matters, and notes were taken; the discussion was adjourned until next day, and again until the following day. The views expressed were noted, and the delegates were informed by Mr. Bramston that they should be placed in the hands of the draftsman of the House of Commons and submitted to Her Majesty’s Government. He (the Premier) had previously informed Lord Knutsford, and he then told Mr. Bramston, that Mr. Monroe had stated that he purposed leaving London on the 6th June, and that he (the Premier) was exceedingly anxious that the terms of this Bill should be settled before Mr. Monroe left. However, he said it would be impossible to do it in so short a time. He (the Premier) called again upon Mr. Bramston on Friday, 5th June, urging a speedy reply, and Mr. Bramston then said that the delegates could visit him again on Saturday, but he could not say that he would be in a position to say more than he had said. The delegates went to see Mr. Bramston on Saturday, and whilst there Lord Knutsford sent to ask them to see him, which they did; and, among other general remarks on the terms of the Bill, Lord Knutsford said that the court must be constituted of judicial officers to be appointed by Her Majesty’s Government. He said this was a position they could not recede from, but that Her Majesty’s Government would pay

them; at least this would be the case as regards the two judicial officers to be first appointed; but that if a third was required Her Majesty's Government would probably permit the Local Government to appoint one—subject to the approval of Her Majesty's Government—but in such case the Local Government would have to pay him. This House would remember that all the delegates had asked was for the appointment of the judicial officers "subject to the approval of Her Majesty's Government, and with such other safeguards as may be necessary to secure thorough impartiality." Mr. Monroe left London that night for home, much to the regret of him (the Premier); for he could say that when a gentleman undertook to perform an important public duty such as this, no matter how urgent his private business might be, he should have remained until the Bill was arranged, or we had failed to come to a conclusion. However, Mr. Monroe did go, and before leaving he had requested that a letter should be given him assenting to his leaving because of his alleged urgent private business, which the delegates gave him. Now, it might be seen why that letter was asked for, and why Mr. Monroe had left. We expressed our regret at his leaving us; but, of course, we could not say he should not go. On the following Monday, 8th June, he (the Premier) again went to see Mr. Bramston, when he was informed that it would be several days before the proposed Bill, submitted by the delegates, would be considered by Her Majesty's Government, and a counter-draft given, and that such would be communicated when ready. On the following day he (the Premier) left London for a short while, as nothing could be done until the receipt of this counter-draft. On the 22nd June the counter-draft was sent by Her Majesty's Government to the delegates. He (the Premier) was not there, until the evening of that day, when he learned from Mr. Harvey that he and Mr. Emerson had, upon receipt of the counter-draft, gone to the Colonial Office, raised several objections to it, and that Mr. Emerson had just left for Newfoundland, taking with him this counter-draft of the proposed Bill. This leaving of Mr. Emerson was a source of regret to him (the Premier), for he thought that his Honour should have remained and seen the end of it. Between the 22nd June and 8th of July, Mr. Harvey and he (the Premier) were in constant intercourse with Her Majesty's Government; objections were taken and discussed, and several drafts of objections were printed and considered. On the 8th July a draft was arrived at, with which Mr. Harvey expressed himself to be perfectly satisfied; but there were some points that he (the Premier) wanted further discussion of and alteration, but as Mr. Harvey had stated that he was satisfied with the Bill in its then condition, and he was anxious to leave, of course he (the Premier) could not offer objection. He (the Premier) then received a telegram from the Colonial Secretary, Mr. Bond, stating that Mr. Emerson had arrived with copy of the counter-draft Bill, and requesting him (the Premier) to wait until he received per mail objections which they had to the Bill. Between the 8th of July and 3rd August, he (the Premier) was in continuous communication with Her Majesty's Government, and in personal interviews, and upon receipt of the objections mailed to him he found that they had all been previously taken by him (the Premier), discussed and disposed of either by being admitted, modified, or refused. In August his (the Premier's) discussion of the matter had ended. He had to express his deep obligations to Lord Herschell, a warm friend of the Colony, for his most valuable aid in the construction of this Bill, and the present Bill he (the Premier) was advised contained the only terms which Her Majesty's Government would accept. He (the Premier) would now turn to the Bill itself. After reciting the Treaties, Declarations, and agreement on arbitration on the lobster question, the preamble reads as follows:—

"And whereas it is expedient that permanent arrangements should be made both for the legal enforcement of the provisions of the French Treaties, and of the arbitration award, and also for the decision of questions which may from time to time arise under those provisions upon the Treaty Coast."

It would be gathered from this preamble that the jurisdiction of the court was intended to be extensive for the legal enforcement of the Treaties, and for the decision of questions arising under the Treaties, &c., upon the Treaty Coast and waters. The first section provides that Her Majesty the Queen shall appoint Judicial Commissioners, who shall receive a commission from the Governor of this Colony. The first section constitutes the Court, to be "called the Judicial Commission Court, and the said Judicial Commissioners shall be Judges of that Court." Objection, he heard, had been taken to their being called Judicial Commissioners. The delegates had stipulated that "Judicial Officers" should be appointed, and Lord Knutsford says in his despatch to him (the Premier) of 3rd August, "As regards the title of 'Judicial Commissioners,' which is objected to, Her Majesty's Government are of opinion that it is a suitable title, looking to the purely judicial functions conferred upon these officers, while it is

“ a clear advantage that they should bear a distinctive designation, which would prevent any confusion between them and the Judges of the ordinary Courts.” And if we read the speeches of Lords Herschell and Kimberley, both of whom warmly took up the cause of the Colony, we shall find that they spoke of the Court to be erected as an Imperial Court. The second section is in exact accord with the proposals of the delegates in their letter of May 1st, providing for the naval officer bringing all matters before the Court, and judgment being given, after trial in the ordinary way, before action by the naval officers. Section three provides that the judgment of the Court may be executed by a naval officer, or by any civil officer who executes the judgment of the Supreme Court. Section four provides that the judges may sit together, or apart, and the intention is that there shall be, at first, two, one of whom shall be on board each of the British ships of war patrolling the coast; and this section also provides that, for the purpose of getting the fullest aid as regards local knowledge and experience, the judges might call in assessors to sit with the judges. The fifth section provides for an appeal from the Judicial Commissioners’ Court to the Privy Council. Objection had been taken that there should have been an appeal, in the first place, to the Supreme Court here. He (the Premier) could not see the advantage to result from such an intermediary appeal. It would create delay and increase expense, and he was quite satisfied to have the appeal to the Highest Judicial Tribunal in the Empire. It also provides that, in case of a party being dissatisfied with the decision of one judge, he might have his case re-heard before the two Commissioners; and it provides that an appeal or re-hearing shall not operate as a stay of execution, which exactly accords with the proposition of the delegates in their letter of May 1st. The sixth section carries out the views of the delegates expressed in the same letter, in which they say that the naval officers “ may apprehend those against whom complaint is made for infringement of fishery rights”; this section provides that the naval officer may take and bring such person before the Judicial Commissioner. The remainder of the Bill, which is really, as a whole, very simple, provides for regulating the procedure of the Court. A perusal of the despatch of Lord Knutsford of the 3rd August will enable honourable members to appreciate the objections and points which he (the Premier) had raised, and the reasons for their being concurred in, or objected to, by Her Majesty’s Government. He (the Premier) would only refer to a few paragraphs :—

“ The Colonial Government desires to have the appointment of the proposed judicial officers, but it was explained to the delegates from the first that the selection must rest with Her Majesty’s Government, who in return have undertaken to provide the salaries of the two gentlemen who, it is believed, will be sufficient for the duties to be performed. At the same time it will be open to the Colony to ask for the appointment of a third, if they think fit to bear the expense; and in that case their recommendation of any particular person would doubtless receive favourable consideration. But, looking to the delicate international bearing of the cases which may come before the Court, Her Majesty’s Government have formed a decided opinion, at any rate at the outset, the judges should be gentlemen unconnected with the Colony, and independent of all local interests. It may safely be presumed that able lawyers will speedily make themselves acquainted with the conditions of the fishery, while the power of appointing assessors will enable them to obtain the assistance of gentlemen possessing special knowledge. And to this view, which the delegates were understood to accept, Her Majesty’s Government must adhere. Her Majesty’s Government are not able to entertain the suggestion that there should be an appeal to the Supreme Court of the Colony. It may be assumed that the questions to be decided will, in most instances, relate to matters of small value on which the judgment of the Court will be accepted, especially if the decision of a Commissioner acting singly is confirmed on re-hearing by two Commissioners, for which provision is now made in the Bill. On the other hand, if any serious question of principle arises affecting many persons, or if in any case a large amount of money is involved, Her Majesty’s Government are of opinion that the appeal should be direct to the highest Court in the Empire.”

“ 16.—It will, I feel confident, be recognised that Her Majesty’s Government have sought to meet, as far as possible, the views which you, together with the other delegates, have placed before them during the frequent discussions that have taken place, and Her Majesty’s Government trust that the Government and Legislature of Newfoundland will feel no difficulty or hesitation in passing the desired measure.

“ 17.—The Colony will thus show that it is prepared honourably to abide by the international engagements affecting the Island, and will declare these engagements to be part of the Colonial Law. By creating the proposed Court the Legislature will

“ also have given an assurance to the Colonists engaged in the fishery that they will be
 “ dealt with only under the decisions of a competent legal tribunal.

“ 18.—At the same time the establishment of this Court will have a further advantage,
 “ in that diplomatic complaints of infringements of Treaty rights or of denial of justice
 “ will be based upon the facts duly sifted and accurately ascertained, and not only upon
 “ the ex parte statements of aggrieved fishermen whose statements would frequently be
 “ contradicted by the other parties to the transaction.”

Here, then, was a proposed Bill to establish a judicial tribunal, to which any one suffering an injury or damage by an infringement of his fishing rights might appeal for redress, when his case would be heard and determined as in ordinary Courts; and thus those safeguards and restrictions which the delegates so much desired to have would be existing for the protection of their subjects. The Court to be created by this Bill would have no jurisdiction in other than the matters referred to, and, therefore, would not conflict with other Courts in this Colony. He (the Premier) considered the Bill an excellent one generally, as carrying out admirably the views of the delegates under the authority of this Legislature; and he saw no reason why it should not be adopted. If this is not passed, what have we to expect but that Her Majesty's Government would simply adopt that course which had been only deviated from at the instance of the delegates—that is, to pass the Bill which had been before Parliament last year, authorising naval officers to carry out the Treaties under instructions from Her Majesty's Government; and it was the opinion of many of our own friends in Parliament that such was the better mode of executing the Treaties. And if such is to be done, why were the delegates sent to England? Why was the address from this Legislature? Why all this correspondence—these prayings and beseechings? This address to the Houses of Parliament? Why this invoking the aid of British statesmen, and the sympathy of the British public? Was it all to call down contempt upon us for broken promises, and to be held up to scorn? If this Bill is not passed here, of course the Imperial Parliament will pass the Bill of last session without a dissentient voice, and he must say they would be right in doing so. He (the Premier) having been one of the delegates, had done his best in the interest of the Colony. He had gone on the delegation reluctantly, but he now felt that good work had been done, and he felt, moreover, that it was for the welfare of the Colony that this Bill should be passed, and that it was the duty of every honourable member of the House to vote for this Bill, to sustain the honour and integrity of the Colony. The House, at this time, was in a position of grave responsibility to maintain unsullied the honour of the country. The questions relating to the French Treaty coast had never been treated in this Legislature as party questions, and he (the Premier) did not now intend to treat this as such. He would follow in the steps of those who had preceded him in Governments in this respect, although he regretted to see that it was now being attempted to make it serve the purposes of a party opposed to this Government. He should not ask a man to vote but as his reason and good sense may dictate, and every man was responsible for his own vote. There was one matter he wished to refer to before he sat down, and that was the despatch from Lord Knutsford, in which it was intimated that Her Majesty's Government were willing to consider favourably the application which he (the Premier) had made, that Her Majesty's Government should guarantee a loan of 2,000,000*l.* sterling, for the purpose of developing the mineral, agricultural, and other resources of the Colony. Her Majesty's Government had made it a condition, however, that this Colony should co-operate with it in carrying out the French Treaties. This was no hard condition for us, British subjects; we were bound to do so. The Imperial Parliament had voted two thousand pounds to defray the costs of a Commission, which was to have come out this spring with a view to that inquiry, which was necessary before Her Majesty's Government should ask Parliament to sanction the guarantee. If this Bill is not passed, of course we must consider that this will be dropped. He (the Premier) had urged Her Majesty's Government to assist this Colony in the direction mentioned in 1879, and had urged it ever since, and now that it seemed near accomplishment, he hoped it would not be defeated by any unfortunate course of action as regards this Bill. He would not, however, urge this as a reason why they should accept the Bill, because the Bill was an excellent Bill, and should be accepted upon its own merits. We should exhibit a disposition to act honourably. We owed a duty to England as British subjects, as well as a duty to this Colony; that duty, amongst others, was faithfully to carry out England's obligations to Foreign Powers. We do not like it that the French should have any rights upon our coasts, but they have such rights, and these rights are as sacred to them as ours are to us, and we must respect them. In conclusion, he (the Premier) would say that he trusted that the House would carefully consider the address of the Legislature to

the British Parliament passed last session—the prayer of that address—the proposition and promises made by their delegates, by virtue of the authority then given—the duty resting upon the Legislature to carry out Treaty obligations—the manner in which they had been met by Her Majesty's Government, and that the House would cast such a vote as would vindicate the honour and integrity of the Colony. He (the Premier) felt now that he had done his duty, and upon them would rest the odium if they, by their vote, brought the country into contempt by reason of broken pledges.

Mr. Morine would reply as briefly as possible to the remarks made by the hon. Premier this afternoon and evening, and particularly to those which referred to the promises and pledges made by the delegation. As a member of that delegation, he could speak with some authority upon this point, and could give more light to the House upon it than he could concerning the second part of the Premier's remarks, namely: the subject matter of the Bill itself. He regretted that the hon. the Speaker was not privileged to speak on this occasion. He felt that a great loss would ensue by the hon. Speaker being prevented from expressing the sentiments which found a place in his heart, and to which he had so often given utterance. He would refer to the implication that had been cast by the Premier on the lack of duty of the hon. Speaker, Mr. Monroe, and himself by leaving the city of London and returning to this Colony before the negotiations were completed. He did not think that the Premier intended his remarks as a censure on the Speaker when he said that that gentleman should have remained longer in London, but some of the remarks applied more strongly to Mr. Monroe. The Premier had said that Mr. Monroe had left London for reasons best known to himself, although he had subsequently read a letter in which the delegates had said that the question of principle had been agreed upon, and much as they regretted in losing the abilities of you, sir, and Mr. Monroe, the other delegates feel that they could go on and finish the work of details. The approval was expressed in a letter which was signed by the Premier himself; notwithstanding that fact the Premier had insinuated that Mr. Monroe, in obtaining the letter, as well as in leaving London, had some personal object in view. It was well known that Mr. Monroe carried on a large business in this Colony which required his attention, and considering that all the delegates had agreed upon the principle of a measure there was no reason why Mr. Monroe should remain there to discuss its details. He would show one reason why the details of this Bill now before the House were not consonant with the principle agreed upon when that letter was given to Mr. Monroe. The Bill which was now submitted, and so ably advocated by the hon. the Premier, did not contain the principle which was agreed upon by the delegates at the time Mr. Monroe left London. He thought it was only just to say here that the Speaker, whose mouth was closed, had, during the time he (Mr. M.) was on the other side of the water, on every possible occasion jealously guarded the interests of this Colony. The Speaker was so quick to resent the slightest implication and so earnest in preserving the independence of the Colony, and so jealous in conserving her interests in every conceivable manner, that he was almost unworkable. Whether it was morning or evening, night or day, he had always found the Speaker and Mr. Monroe most indefatigable in their labour in guarding the interests of this country, and exercising those qualities of independence which it was so well known those gentlemen possessed. He was not disposed to quarrel with the speech delivered by the hon. the Premier. The delegation, as a delegation, had performed their work, and at the time of the agreement for a Bill they were acting strictly within their powers. They had been sent across at a time of a great crisis when they were not in a position to communicate with this Legislature freely and quickly with regard to the details of a Bill. He believed that they had kept strictly within the limits of their power when they promised to consider the terms of a permanent Bill; consequently he was not disposed to quarrel with the Premier on that point. The next question to be considered was whether the delegation, as a delegation, was pledged in any manner to the Bill now before the House. The hon. Premier had appealed to the honour of the Colony, and said that it would be disgraced if we refused to pass this measure, and had consequently called upon members of this Legislature to vote in such a manner that its integrity and dignity would be maintained. If the hon. the Premier would advance good grounds for acting in this manner, he (Mr. M.) would submit, but on the point raised by that hon. gentleman, he would take issue, as the delegation as a whole had never authorised the consideration of such a Bill as the one now before the House. The delegation never sought to pledge this Legislature to the adoption of such a Bill as the present one, but rather to such a permanent one as they might agree upon if ever they arrived at that point. The Premier read a great deal of correspondence, and dwelt largely on the

point, that we, in the letters quoted, had pressed upon the Imperial Government the necessity of dealing speedily with this matter, but that hon. gentleman forgot to point out that the terms of this correspondence had been rejected by the British Parliament; consequently he was endeavouring to apply a state of affairs which had arisen long after those letters had been written. Let us inquire as to why we said that immediate action was required. He would draw attention to the fact that at the time there was pending before the Imperial Government a permanent Bill, and we were desirous of having a temporary measure passed before this House would close, so that there was every necessity for an agreement being arrived at as speedily as possible. Whatever the delegates did one day in London it had to be telegraphed to this Legislature, and confirmed by it the next before it was fully ratified, and if we had not urged speed, the result would have been the passage of the permanent Act by the British Parliament. The reason why we advocated haste was not because we were anxious to agree to a permanent measure, but because everything we did should be confirmed by this Legislature, which could only be done whilst the House was in session. Every one of those letters, then, applied to a state of affairs which existed before our offers had been rejected by the British Government. Ought we, therefore, to be told by the hon. Premier that we were bound in honour to pass this Bill? The only pledge that we had given was that we would use our influence with this Legislature in passing a temporary Act, and would then go on to discuss and arrange the terms of a permanent one which could be agreed upon either by the Legislature or by the delegates. Supposing, for instance, that we had pledged this Legislature to pass a permanent Act, had we before us the Bill agreed upon by the delegation? The Premier occupied rather an anomalous position as he was one of the delegation, and, as such, was pledged to abide by the decision of a majority of that delegation. He would draw attention to the resolutions of the joint select committee of both branches of the Legislature submitted here on March the fourth of last year, which ran as follows—(here hon. member read resolution)—The hon. Premier was a member of this delegation, and being such was bound to submit to the decision of the majority, but far from doing that he had introduced this Bill against the suggestion made in the majority report, that the measure should not be brought forward this session. This action on the part of the Premier was in violation of the terms of the agreement entered into by the delegates. We were not in honour bound to pass this measure, because the delegates had no power to bind the Legislature to accept any Bill. It would have been monstrous for any delegation from this Legislature to arrogate to themselves the power of concluding a permanent measure while this House was in session. At the instance of the other delegates he had been sent out here to report the existing state of affairs, after which a temporary Act was passed until the end of 1893 for the purpose of giving the British Government power to deal with the matter until after the next general election to be held in England. When the temporary Bill was passed, and after the withdrawal of the second reading of the Bill before the English Parliament, the delegates submitted their draft of a Bill prepared by them, but which was widely different from the one now before the chair. When Mr. Monroe was leaving, the remaining delegates gave him a letter containing the principle of the proposed measure, and a few days later the Speaker followed, bringing out the draft Bill of June 30th, which had been put into his hands only a few hours before he left London. That draft Bill was discussed by the Speaker with the members of the Executive, and certain objections had been taken to it which were forwarded to the hon. the Premier. He, Mr. Monroe, contended that the Premier and Mr. Harvey, whilst in London, should have remitted the progress and result of their labours to the delegates on this side of the water, upon whose authority they proposed to be speaking at that time. We were told in a newspaper letter to-night, over the signature of Mr. Harvey, that the delegation were bound by the conduct of the Premier and Mr. Harvey while they remained in London, because the other members of the delegation had left of their own accord. If these two gentlemen were speaking for the whole delegation, they should have put those members of it who were on this side of the water in possession of every matter that had transpired in connexion with this question. On the contrary, they had never even sent the draft Bill to, nor communicated with, the other members of the delegation, nor did they endeavour to obtain their opinions until they had signed and sealed the draft Bill which was now before the House. How could it be contended that the delegation were bound by the conduct of the minority, when they had never consulted the majority, of the members of that body? It is well understood that nothing was to be done, unless first agreed to by a majority of the members of the delegation. The first thing he objected to in this Bill was the substitution of "Judicial Commissioners" for judges, to whom all dis-

putes on the Treaty shore were to be submitted, and in addition to this the appointment was to be by Her Majesty instead of by the Government. It would not be so bad if proper men were to be appointed, but the probabilities were that some Downing Street hacks would be sent out, men who, in order to retain their positions, would give their decisions rather with a view to prevent friction between the Imperial Government and France than with a desire to do justice to the fishermen of Newfoundland. The hon. Premier said that even-handed justice would be given our fishermen by the Commissioners appointed by Great Britain. He (Mr. M.) thought there would be all the difference in the world between the conduct of judges appointed from amongst ourselves than of those sent out from England. The former, from experience of the fisheries question, would not only know how to deal fairly with cases arising on the coast, but they would also sympathise with our people in the many hardships incident to their position. The latter, on the contrary, knowing little of the life and condition of our people, would care for nothing but pleasing their Imperial masters by having things run smoothly between Great Britain and France.. Furthermore, the first Bill provided for a right of appeal to the Supreme Court, but the present one admitted of no such condition, leaving only a right of appeal from the Commissioners to the Privy Council of Great Britain, and yet under those circumstances the Premier had the hardihood to state that there was no practical difference between the two Bills. The Premier had quoted from a letter from the delegates to Lord Knutsford, dated May 1st, 1891, to prove that the principles embodied in the present Bill were at that time admitted by the delegates as far as the appointment of Commissioners was concerned. If the hon. gentleman had quoted the whole of that letter, it would be found to bear a very different meaning from the construction he had put upon it. For instance, these words were contained in that letter * * * "In cases of complaints of interruption of rights of fishing, the judicial officers should have power upon the trial of such complaints to issue and enforce such orders or injunctions as they deemed necessary to prevent such interruptions; and the parties to such complaints should have a right of appeal, upon points of law, to the Supreme Court of the Colony, &c., &c." The hon. Premier should have gone on and quoted that part of the letter also. Another point that should not be overlooked was that if the present Bill passed, the fisherman on the Treaty coast would have no practical right in law. If he committed a breach of the Treaty law, or did anything that could be tortured into so being considered, he could be brought before the Commissioners, and if found guilty by them he could have no appeal to the laws of his own country, but he could, if he wished, appeal to the Privy Council of England, which, for many reasons, he could not afford to do. If, on the other hand, a Newfoundland fisherman had a complaint to make against a naval officer he would be debarred the privilege of doing so by the terms of the Bill. In short, the Newfoundland fisherman would have no right to open his mouth, even if he had a complaint to make against a British officer, while if he were alleged to have done wrong he could be jerked by the neck before one of those Downing Street Commissioners, in whose hands he could expect very little of either justice or mercy. The Bill would, if it became law, place the lives and fortunes of the fishermen practically at the mercy of those Commissioners, and altogether he thought it was worse than that of George the Third. The Premier had gone so far as to threaten the re-enactment of George the Third Act, if the House did not pass this Bill. These threats were idle as far as he was concerned, for he would lift up both hands for the George the Third Act as against the Bill. The naval officers entrusted with the carrying out of the law under the old Act could not be removed at pleasure, and therefore some sort of justice could be expected from them, while under this measure, the Commissioners being removable at a moment's notice, they would be sure to do justice to themselves in order to maintain their positions. Beside, the men sent out would be only third, fourth, or perhaps tenth, rate lawyers, for no man who could make his mark at the British Bar would come out to this country as a Commissioner. There were far abler men, and men better qualified in every way to do the work in this country. The next point in the Bill worth noticing was in reference to the right of the Commissioners to impose a fine of the fishermen brought before them and adjudged guilty of a breach of the law. These Commissioners would have a right to confiscate the men's property and give them no right of appeal. He (Mr. M.) did not see why any special machinery was required at all to carry out the Treaty laws between this Colony and France. We had also a Treaty with the United States, and our ordinary courts adjudicated on cases arising in connexion therewith. He did not see why the same rule should not apply in the case of the French Treaty. Nearly every British Colony had certain Treaty rights to carry out, but in not one of them was a special machinery brought into requisition except in Newfoundland. The Premier said that if we did not

pass this Bill, it would be passed by the Imperial Parliament; but that would be preferable to having it passed by ourselves, because if it once went upon the Statute Book we could not protest against it, while if passed by the Imperial Parliament, we could take advantage of the fact of its having been passed against our will, and would have a favourable opportunity of protesting against it. Surely we are not going to be led away by the blandishments of the Imperial Government, by the promises of a loan held out as a bribe to do away with our own independence by putting this Act on our Statute Book, and thereby destroying all grounds upon which we could demand the abrogation of the Treaties. Let us continue to uphold the rights and dignity of the Colony, and let us not place on our Statute Book the badge of our own shame and dishonour by consenting to such a measure. The hon. the Premier had said that he would not dwell on the fact that a sum of money had been offered to the Colony, and gave the House to understand that if they passed this Bill the money would be forthcoming, but if they did not pass it they would lose that 2,000,000*l.* sterling. This was offered as a bribe to the Legislature by the Imperial Government, who guaranteed that sum to be expended under a British Commission upon new works in the Colony. The Commission would come out here to find out the state of the country, and if their report was favourable, and if the Legislature passed the Bill, we would get the money. Some people might think that a portion of this money was to go towards lifting off the debt of the Colony, and that the balance was to be expended on new works by the Government of the Colony, but as a matter of fact the whole amount was to be expended on new works and by a British Commission—\$10,000,000 more added to the debt of the Colony, with the interest to be paid by ourselves, was certainly a great boon to hold out to the country as the price of our dishonour in passing this Bill. It was a huge, dishonourable bribe offered by the British Government for the purpose of inducing us to sell our birthright, and it was in this spirit that the hon. the Premier had referred to it to-night. He (Mr. M.) had shown as plainly as he could that there was no necessity for hurrying over this matter, and why he thought the Bill ought not to be accepted, and he would give another reason for it, and that was, he believed the majority of the delegates never contemplated that it should be accepted. He thought that it ought not to be passed now, even if it were a better Bill, because the object in passing the temporary Act was that there might be time given to bring about a settlement of the difficulties. The delegates had been sent home to avert the present danger by doing their utmost to stay the Bill before the Imperial Parliament, but not to enact it in this Legislature. Newfoundland did not object to the enforcement of the Treaties because she knew that, so long as they existed, they should be carried out, but the Colonists quarrelled with the manner in which the Treaties were carried out, and demanded that the earliest opportunity should be taken by the Imperial Government of abrogating those Treaties, and thus freeing our coasts from the hardships which they entailed. The Legislature passed the temporary Act last session, because they knew that by so doing they would cause the permanent Act, then before the Imperial Government, to be dropped, and as the general election would be held while that temporary measure was in force, the changes that would take place in the personnel of the British Parliament might bring about the desired opportunity for the Colony to be freed from those burdensome Treaties. By passing the temporary Act they had gained the support of the Liberal Party, and as the general elections would in all probability result in the defeat of the Salisbury Government, and the coming into power of the Gladstone Party, they could demand from France that in return for concessions to her in Egypt or in other parts of the world, she should make concessions in Newfoundland. As there was much more accord between the Gladstone Party and France than between the Salisbury Party and France, there was every reason to believe that if the former Party came into power, this Colony would get the concessions she asked for. He did not believe that France valued the French shore for its own sake, but held on to it as a means of obtaining concessions from the British Government elsewhere, and, therefore, if the Gladstone Party got into power, they would be willing to make those concessions to France in other parts in return for concessions here. He did not say for a moment that the Gladstone Party was more favourable to Newfoundland than the Salisbury Party, because he believed the latter was more disposed toward the Colonists than the former, but there was a better feeling between the Gladstone Party and France, and, therefore, there would be a better chance for them to obtain concessions from the French. The temporary Act would hold good till the end of 1893, and if this permanent Bill was not passed now, Mr. Gladstone could not ask his Party to pass it through the Imperial Parliament after the manner in which they had favoured the cause of the Colony, and, moreover, the Radical portion of his party would bring such pressure

to bear on him that he would have to make concessions to France elsewhere in return for concessions on the Newfoundland coast. If we put this Act on our Statute Book now we would close the book and lose the leverage by which we might be able to secure the abrogation of the Treaties, for Gladstone could say: "You have put in our hands all the power we want; you have sealed your own doom by passing this Act and have therefore no just reason to complain." Even if the Gladstone Party was not returned in the general elections, our salvation would lie in keeping the sore unhealed, because as long as there was life there was hope, but the moment this Act was placed on our Statute Book, we dropped out of the mind of the Imperial Parliament. And what was the Legislature asked to do this for? There was a letter in this evening's "Telegram" from Hon. A. W. Harvey, in which, after summing up some of the advantages the Colony would deprive from passing this Bill, the hon. gentleman said that they would get clear of the *modus vivendi*, which was tantamount to saying that a man might get clear of the measles by taking the small-pox. How would it free the Colony from the *modus vivendi*? The Bill certainly provided for arbitration upon the lobster question. It meant an arbitration which might probably end the present state of affairs, but on the other hand, while the *modus vivendi* continued, thirty or forty factories on the French shore could be carried on as long as there were no new ones erected by either Party. But the arbitrators might decide that neither the Newfoundlanders nor the French had any right to erect factories on the Treaty coast, and an order would be issued closing up all existing factories. Was it not better then to have the measles of the *modus vivendi* than the small-pox of the arbitration? There was going to be an arbitration in Paris, and the Hon. A. W. Harvey would be sent as a delegate for the Colony, and would probably win a title for himself, while Sir W. V. Whiteway would be there as counsel for the Colony to plead her cause. All the delegates protested against that arbitration from the first, and yet to-night the Hon. Mr. Harvey would uphold a Bill which provided for the very arbitration against which he had protested. Furthermore, the Bill did not contain a provision for a single cent of compensation to those whose factories or houses might be removed as a result of the arbitration. If the Imperial Government passed the Bill, the Colony would have a very good claim in equity, for we could go to them and say: "You have passed this Act in spite of our protest, now compensate us for the damages our people have sustained;" but if we passed it ourselves, the Imperial Government could say: "You passed the law yourselves, now you must abide by the weapons you have put into our hands." It would be infinitely better that the Imperial Government should pass this Bill if it must be passed, because then we could always ask for its abrogation, and always demand compensation. There were a number of other points to which he would like to refer, but, as it would be unnecessary at the present moment, he would simply repeat that the delegation never assented to this Bill, nor gave the hon. Premier any authority to introduce it into this Legislature. This House was free at the present time to do as it pleased, for it could not be bound even if the majority of the delegation had given a pledge that the measure would be passed. If the majority of the delegation agreed to any Bill, they could only pledge themselves to use their influence to have it accepted by the Legislature of this Colony; but they have never assented to this Bill, and the majority who signed the report recommended that no steps be taken to place on the Statute Book a Bill this session. He contended that the hon. Premier and Mr. Harvey were bound in honour to hold to the agreement, and support the Bill of the majority of the delegates in all matters. This House was free to adopt any course in this crisis, and he trusted and believed that hon. members would exercise their own independence in voting on the second reading of this Bill. For the reasons he had given he intended to vote against the second reading of this measure, and he trusted the majority of this House would be of the same way of thinking. He believed that the man who would vote for this Bill under the threats and inducements of the Premier would be signing away his birthright and the independence of the Colony. It would be selling the best portion of this country, but he trusted that hon. members of this House will show their independence and a sense of justice sufficient to sustain them in refusing to vote for the second reading of this Bill.

No. 7.

SIR TERENCE O'BRIEN to LORD KNUTSFORD.

(Received June 30, 1892.)

Government House, St. John's,
June 22, 1892.

MY LORD,

IN continuation of my despatch of the 8th instant,* I have the honour to forward herewith further copies of our daily papers, giving the remainder of the debate on the French Treaties Enforcement Bill, by which your Lordship will observe that Mr. Webber was the only member who spoke in favour of the measure and supported Sir William Whiteway, though, as reported by telegraph, seven others voted with him on it.

I have, &c.

(Signed) T. O'BRIEN,

Governor.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 7.

HOUSE OF ASSEMBLY.

Thursday, May 12.

Hon. Colonial Secretary (Mr. Bond).—It was exceedingly painful for him to be obliged to differ from his leader, Sir William Whiteway, on the question now before the Chair, because for the past 10 or 12 years it had been his pleasure and privilege to support the hon. gentleman in every measure which he had brought before the House. He looked upon the question now under discussion as one which involved such serious consequences to the Colony that he was constrained to move an amendment to the motion now before the Chair. He considered that the hon. Premier had displayed marked wisdom in abstaining from making this a party question. That hon. gentleman was evidently not oblivious of the truth that when a great national question such as this was before the House a man would forfeit his own self-respect and become wanting in his duty to his country if he ignored his convictions and submitted to act by order. The hon. gentleman has elected to permit room for private judgment. Had he done otherwise on a question of such magnitude, his conduct would have involved a bondage more humiliating and more demoralising than the theories of Hobbes or of Filmer. When this matter was before the British Parliament the distinguished gentleman who presided over the destinies of the British Empire had made use of the expression that Newfoundland was "the sport of historic misfortune." The phrase was strikingly applicable—"the sport of historic misfortune"—not misfortune entailed upon us by the blundering incapacity of those local statesmen who from time to time have shaped the destinies of this country, but misfortune entailed upon us by the neglect or indifference of those who from time to time have presided over the Colonial affairs of the British Empire. We were not suffering to-day from any misfortune of our own creation; it behoved us therefore to be careful at this time that we do not take the first step in that direction. Let us pause and consider what the result of our action in this matter is likely to be. In dealing with the question, he did not propose to recapitulate all the negotiations that had taken place in reference to this vexed fishery question, but would simply revert back to the year 1890. On the 12th day of March of that year a *modus vivendi* had been negotiated and concluded between Her Majesty's Government and that of France in reference to the Treaty Shore of this Island. It will be remembered that this was done without the knowledge or assent of the Legislature of this Colony, and it was contended, with very much force, that in so concluding this arrangement, the Imperial Government had violated its pledge of 1857, namely, "that the consent of the community of Newfoundland was to be an essential preliminary to any modification of its territorial or maritime rights." It is within the knowledge of every hon. member that this action on the part of the Imperial Government resulted in the awakening of bitter animosities in this Colony, and called forth an expression

* No. 6.

of sentiments that have doubtless tended towards greater complication rather than towards a solution of the difficulties. Public meetings were held and so strong was the expression of opinion on those occasions that he thought he was correct in saying that the dignity of the proud and great nation of France had been touched, and it had been made impossible for the Imperial Government to treat with France in such a manner as it otherwise would have been. It was a matter of regret in the first place, that the Imperial Government had acted without reference to this Colony, or had concluded a *modus vivendi* with France without having first submitted it for the consideration of this Legislature. He thought he would be supported in saying that the present position of affairs was the outcome of the unwise agitation that occurred here in 1890 and that subsequently led to French resentment, to litigation at the instance of our own people, and to the demand of the Imperial Government for the legislation before us. We must remember that the French are a great nation, and that they are not likely to be influenced in the direction of relinquishing their claims by any demonstration that we may get up. He would suggest that, if we want to bring that people to our own way of thinking, we should rather proceed in a diplomatic manner, and not by agitation. There was no use in merely regretting the past. If there had been a lack of wisdom, it was a matter for regret, but it was no use for us to dwell upon a condition of affairs that might have been averted, but rather to gather wisdom from experience. The *modus vivendi*, as set forth in the despatch from Lord Knutsford, of date the 21st March 1890, was a truce, for the purpose of enabling the Imperial Government to negotiate with France for a settlement of the difficulties which had existed for more than 200 years. "It was to afford time for effecting some more permanent settlement of the question." In the month of May 1890, the Government of this Colony, accepting in good faith the assurances conveyed in the despatch of Lord Knutsford, sent a delegation to the Colonial Office for the purpose of advising with the Imperial Government as to the condition of affairs which were then existing. This delegation, of which he had the honour of being a member, proceeded to London and remained there nearly five months, during which time they had endeavoured to impress upon the Imperial Government the difficulties, the evils, and injustices under which the Colony laboured. The delegates admitted the Treaty obligations of the Empire—no sane man could deny such; but they pointed out to the Imperial Government that if those Treaties appeared to present obstacles in the way of a settlement, it was to be remembered that we lived in an age of definition, and that it was time that obsolete Treaties received an interpretation compatible with the dignity of the British Empire and the welfare of this Colony. They pointed out the fact that while France possessed a mere easement or right of fishery only, she had been permitted to place her own interpretation upon the Treaties, and had really put forward claims to territorial rights, and had enforced them. They also pointed out that France had placed an interdict on our mining, agricultural, and lumbering operations on the Treaty Shore, and had thus retarded the development of the best portion of the Island. They pointed to the fact that thousands of our people were leaving for the neighbouring countries on account of the lack of employment in this Colony, which was in part owing to the difficulties alluded to. Although they had brought these several matters forcibly under the notice of the Imperial Government, their prayers and protestations had availed nothing, and they had to return after months of weary waiting without any satisfactory answer being vouchsafed. Things remained in this position until March 1891, and the Journals of this house will speak as to what then occurred. On 12th March of that year the attention of the hon. Premier had been called to a newspaper record which stated that an arrangement concerning the French Shore had been made between Great Britain and France, and the hon. member, Mr. Morine, had asked the hon. the Premier if he was aware that the said report was correct. In reply to that question, the hon. Premier laid upon the table of the House a cable despatch from Lord Knutsford, intimating that an agreement had been signed the day previous for an arbitration, and that full particulars would be sent as soon as possible. On the 18th of March the Premier laid certain despatches and correspondence on the table of the House. The House went into committee on those despatches, and the outcome of the deliberations was that the Committee were in favour of a consultation between both branches of the Legislature for the purpose of considering the despatches and the best means of impressing the Imperial Government and people of Great Britain with the views of this Colony respecting the objectionable legislation with which this Colony was threatened. We find, in the next place, that a Select Committee of both branches of the Legislature was appointed, consisting of the honourables the Premier, Colonial Secretary, Morris,

Shea, Harvey, Monroe, Speaker, and Messrs. Morine and Greene; and this Committee proceeded at once to deliberate. He remembered distinctly the discussion which took place, and that the resolutions arrived at were of such a character and were so framed that they could not be possibly misunderstood by any person. They were to the effect that five members of the Legislature, representing both sides of the House, should proceed to England for the purpose of laying before the British Parliament and people the opinions of this country respecting the legislation proposed, or what was termed coercive legislation. He remembered distinctly a question being put as to whether these delegates were to have power given to them to approach the Imperial Government on this question. He remembered distinctly that it had been laid down by the Committee that the said delegates were not to approach the Imperial Government, but were to appeal to the British Parliament and people to try and prevent the passing of the Imperial Bill, and then report the result of their efforts to this Legislature. There could be no mistake whatever about the decision of that Committee. Every member of it was aware that only 12 months previous delegates from this Government and from the people had appealed to the Imperial Government for redress without avail. Hence the reason why it was decided not to appeal to the British Government, but to the Parliament of Great Britain. He remembered the question being put as to what the delegates were to do after they had presented an address to the British Parliament. The answer was that it would be their duty to seek the aid of the press, and, if necessary, to stump the country, and thus lay our case before the British public in every important town in England. Such was the intention of that Committee when they passed the following resolutions:—

“Resolved,—That a delegation, to be selected from members of the Legislature, be appointed by the Legislature to proceed forthwith to lay before the British Parliament and people the reasons of this Colony for opposing the proposed legislation in reference to the French Treaties question, and that in the meanwhile the Committee proceed to consider the propositions which the delegation shall be empowered to make for the settlement of the whole question.

“Resolved,—That the delegation proceed to England immediately for the above purpose.”

These resolutions having been brought before the House, and ratified, the delegates proceeded to England. The first news that this Legislature heard from them was on the 22nd day of April. On that day the delegates sent the following telegram to this House:—

“Will be heard bar Lords before second reading; good public reception here. Intervued Salisbury Saturday. Bill much more objectionable than reported; legalises all future arrangements without concurrence Colony or Parliament, and applies Act George to them.”

This was the first information that the House received from the delegates after their arrival in England. The next thing we heard from them was contained in the telegram dated May 6, and ran as follows:—

“We proposed Legislature pass temporary Bill enforcing modus arbitration award in present manner for this season, provided Imperial Bill dropped; compensation secured to possible sufferers under award, and principle admitted creating courts to discharge judicial functions now performed by naval officers; details to be arranged and made into permanent Bill to replace temporary Act. Proposals not yet accepted, partly on ground no proof Legislature will do as we promise. Recommend you suspend rules and pass resolutions both branches, announcing your confirmation of our proposals, and your readiness to pass temporary Act immediately under suspension rules. If adopted, telegraph resolutions to us. Prompt action needed. No other course open, apparently, and unanimously urge adoption this.”

Immediately upon the receipt of that message the House resolved itself into a Committee of the whole to take the same into consideration, with the result that a suite of resolutions were passed almost unanimously by the House condemning the action of the delegates for proposing any legislation whatever to the Imperial Government, without first having received the assent of this Legislature thereto. That resolution was telegraphed across to the delegates, and the next day a reply was received from them to the following effect:—

“Delegates’ proposals were contingent subsequent approval of Legislature; made without previous approval, solely because pressing emergency would not permit delay; proposals not accepted by Imperial Government. We requested resolutions hoping their refusal would be reconsidered; unless Legislature supports proposals by resolu-

“ tion, no possibility defeating present Bill, and no support given Colony by any party ;
 “ if resolutions immediately adopted, acceptance proposals possible and support Liberals
 “ certain ; delay or decision fatal and present Bill will pass in permanent form ; unless
 “ our unanimous decision is warmly supported, our usefulness gone ; measure Knutsford
 “ requested was permanent ; ours temporary and with valuable conditions not included
 “ in Knutsford’s. If Legislature does not approve our proposals it aids opponents and
 “ leaves Colony friendless, losing everything.

“ DELEGATES.”

The Legislature proceeded again to take into consideration this second telegram received from the delegates and finally declined to recede from their former decision. It was appreciated that the delegates had acted contrary to the instructions so clearly laid down for their guidance in reference to a permanent Bill, and further that if the Legislature were to sanction the action of the delegates, they would be approving that which had been so recently condemned by the whole Colony, not alone from public platforms, but through the unanimous voice of Parliament. They would be making themselves ridiculous in the eyes of the world, for such action would declare that their solemn resolution was a mistake. But above all, the House appreciated that they were invited to assent to legislation most detrimental to the best interests of the Colony and most repugnant to the feelings of the people. Therefore after the most careful and dispassionate consideration, the House resolved as follows, namely :—

“ That whereas this Legislature did on the 31st day of March last past appoint
 “ certain delegates to proceed to London for the purpose of bringing before the British
 “ Parliament the views of this Legislature, and of the people of this Colony, respecting
 “ certain legislation about to be introduced by Her Majesty’s Government in relation to
 “ the French Fisheries question in Newfoundland :

“ And whereas the said delegates have not succeeded in inducing Her Majesty’s
 “ Government to withdraw the proposed legislation, and it has been read a second time
 “ in the House of Lords :

“ And whereas the said delegates have advised this Legislature that they deem it
 “ advisable that this Legislature should immediately pass a temporary Bill enforcing
 “ *modus vivendi*, arbitration award, and Treaties, in present manner for this season, pro-
 “ vided that the Imperial Bill is dropped, that compensation is secured to possible
 “ sufferers under award, and the principle is admitted of the creation of courts to
 “ discharge judicial functions now performed by Naval Officers, which temporary
 “ legislation is to be made into permanent Bill :

“ And whereas this Legislature, after the most careful consideration of the delegates’
 “ proposal, deemed it necessary to ask for fuller information before arriving at a
 “ conclusion respecting their proposal, and resolutions to that effect were cabled by this
 “ House to the said delegates :

“ And whereas the reply received this day from the delegates does not furnish a
 “ satisfactory explanation to the Legislature of the action taken by the delegates, nor
 “ even bear out the contention of the delegates that the legislation proposed is of a
 “ merely temporary nature :

“ Resolved,—That this Legislature cannot assent to the proposal made by the delegates,
 “ or to pass any measure of legislation whatsoever.

“ Resolved,—That a copy of the foregoing resolution be cabled to the delegates.”

This resolution was cabled to the delegates immediately, and there was a feeling of relief that suspense was over, and that the House had done its utmost to prevent the obnoxious legislation ; and that if it had failed, still it had done its duty. On the following day, the 8th day of May, another telegram was received from the delegates, which contained the following :—

“ Just received despatches from Knutsford positively declining to accept anything
 “ but permanent Bill, therefore no danger now from approving our proposals ; such
 “ approval will secure support of public and Liberal Party.”

This telegram would not be found in the Journal of the House, because it was sent to a member of the other branch of the Legislature, but it was brought before this House and was used to induce every member of the House to vote for rescinding the resolution passed on the previous day ; this was done upon the authority of the following telegram, received the same day from the hon. the Premier, namely :—

“ All delegates will publicly declare equal responsibility for proposals. See message
 “ to Pitts. All urge adoption of suggestions there made.”

The importance of this telegram from the delegates will be appreciated by the House. It will be noticed that the delegates declared in the most unmistakeable language that

if this House would only pass a temporary Bill, it would never be called upon to pass a permanent Bill. That they simply asked for a temporary Bill to be passed so as to "secure support of public and Liberal Party." Accepting this assurance in good faith, and being desirous to aid the delegates in their efforts to secure the support of the public and Liberal Party in England, this House faced public ridicule and contempt, and rescinded the resolution of condemnation, and did promise to pass a temporary Bill, and did subsequently pass a temporary Bill. It was under the influence of the telegram which he (C. S.) had just read that this was done. Had that telegram not been received, had this House not been deceived by that telegram, the first resolution would not have been rescinded, and we should not have been called upon to-day to pass a permanent Bill. It was an unfortunate thing for this Colony that the delegates had transmitted that telegram, for if that message had never been written, the Colony, the Legislature, and the delegates themselves would not have been found in the unenviable position in which they are to-day. He did not wish it to be understood that he thought the delegates had wilfully deceived this House. Apparently they had been misled by a letter from Lord Knutsford, of date the 8th May, wherein that gentleman had stated that the Bill "should be permanent in form," and that Her Majesty's Government could not "withdraw the Bill which they introduced." Whoever was to blame, there was no denying the fact that the House had been deceived into a promise to pass legislation, and therefore the promise to which the hon. the Premier had referred as binding upon this House could not be considered as such. But granting, for the sake of argument, that the promise to pass a permanent Bill is binding upon the Legislature, the questions arising are: First, Is the hon. the Premier justified in now calling upon the House to consider the question? And secondly, Is the Bill before us of the character contemplated when the alleged promise was given? As regards the first question he would direct [the attention of?] the House to the fact that two reports from the delegates were before them, a minority and majority report, and that as the majority of the delegates had reported against the Bill the House should not have been called upon to consider it. At this point he would refer the House to a resolution which had been passed by the Legislature for the guidance of the delegates in this connexion. It had been resolved, as would be seen by reference to page 3 of the "Correspondence of the Newfoundland Delegates with Her Majesty's Government," as follows:—

"That when a majority of the delegates agree to any basis of arrangement and settlement, the delegation shall recommend it to the Legislature; and that each member of the delegation shall be bound by the decision of a majority of the delegation and pledged to use his best efforts to procure adoption afterwards by the Legislature of any arrangement made by the delegation."

It would be noticed that this resolution stipulated for a unanimous report from the delegates to this Legislature. If a difference of opinion existed at any stage of their deliberations, that difference had to give way to the weight of the opinion of the majority, and those in a minority, to be true to their obligation so plainly set forth in the resolution, had not only to forego their opinion, but had also "to use their best efforts to procure adoption afterwards by the Legislature of any arrangement made by the delegation," that is to say, by the majority of the delegates. This the minority have not done, for we find them bringing in a minority report, which is the Bill before the Chair. The proceeding was to him, C. S., most incomprehensible and unjustifiable. No matter how desirable the Bill might appear to be to the gentlemen who had reported it, in the face of the resolution to which he referred, and which they had voluntarily accepted as binding upon them when they proceeded to England as delegates, they could hardly attempt to justify themselves for the course they had adopted. He submitted that, if for no other reason than that the majority of the delegates had reported against the reception of the Bill, the House must reject it. But there were other and good reasons why the Bill could not be approved, which he would presently point out. The hon. and learned Premier had stated that no man could read through the correspondence between the delegates and Her Majesty's Government, a copy of which had been placed in the hands of hon. members, without arriving at the conclusion that the delegates had undertaken to report in favour of a Bill, and that the delegates had led the Imperial Government to believe that they would so report. He thought the hon. gentleman was perfectly correct in the observation. There could be no doubt upon that point. But the question arises, what Bill? Had the delegates such a Bill as that now before the House in view at that time? Certainly not. The proof of that would be found right through the correspondence. The Bill that the majority of the delegates evidently had in view contemplated the establishment of local courts presided over by judges to be

appointed by the Colony, with power to try the subjects of France or England who might be guilty of an offence under the Treaties, and certainly as a first principle, the compensation of any persons who might be sufferers under the arbitration award. The Bill before the House does not contain one of those provisions. The judges to be appointed under it are to be either some third-rate Downing Street lawyer, for, as had been observed, no first-class lawyer would accept the paltry position, or possibly a naval or military pensioner, of whose peculiar fitness to discharge judicial functions the Colony has had ample proof. The Commissioners, under the Bill, would have no power to try a French subject, no matter how outrageous an offence a Frenchman might commit against a Newfoundland fisherman. The judges, under the Bill before the Chair, could not attempt to try or punish him for the offence. A Frenchman might go and pull down a man's house or his flakes, or destroy his fishing gear, and for such offence the Newfoundlander would have no redress under the Bill before the House. How could it be supposed that such a Bill would be approved by the House? It must be remembered that the French have in the past committed grave offences against the people of this Colony. Two years ago the hon. the Speaker and he had visited the so-called French Shore for the purpose of collecting information relative to the Fisheries question, and many cases of French aggression had been brought under their notice. They had been informed by Mr. Shearer of Halifax, who was then doing business at Port Saunders, that the year previous, namely, in 1889, the French made an attack upon his fishing trawls at St. Margaret's Bay. They took 510 lobster traps out of the water, landed them in piles, cutting the rope and utterly destroying the traps. Mr. Shearer's father stated that he had no more fishing for the season, and lost 1,000 cases of lobsters. A complaint was made by him to H.M.S. "Lily," but no redress was forthcoming. Mr. Duggan, J.P., at La Scie, had informed them that he knew the French to proceed from that locality to Harbour Bound, many miles away, and take up the nets belonging to English settlers there, merely to exercise their assumed right, and to prevent them from fishing. Also that he remembered seeing the French man-of-war enter Harbour Bound and tow out schooners that were fishing there; and still further that in 1881 the French had entered La Scie and "burnt down the stages and house of one John Clance," and no compensation had been given. The Bill before the Chair made no promise [provision ?] for the trial of such cases as those. Then, again, by the operation of the Bill before the House, very great injury might accrue to the peaceful and industrious fishermen of this Colony. For instance, a Newfoundland fisherman might be prosecuting the fishery in White Bay, a Frenchman perchance comes along, and finding this fisherman doing well, he makes a charge against him, and lodges the complaint on board of one of Her Majesty's ships. A naval British Officer immediately takes this man and his fishing gear in charge, and conveys him to the Commissioner, who may possibly be at Bay St. George or 300 miles away. When he arrives there the charge is found to be frivolous, and the case is dismissed; but what redress has the unfortunate fisherman? His voyage is lost, and the season gone. Could any person imagine a greater case of hardship? Yet such was possible under the Bill before the House. Again, the Newfoundland fisherman could not bring his case directly before the Commissioner. He had first to go to the Naval Officer of one of Her Majesty's ships, and if the Naval Officer thought fit to grant permission, the fisherman could bring forward his case, but if he thought otherwise, the fisherman could not get a hearing. He (C. S.) felt that if this Bill was known by the people of this Colony, it would be just as repulsive to them as the Coercion Bill was to the people of Ireland. The hon. and learned Premier had said in support of this Bill that the Rev. Dr. Howley, of the West Coast, had telegraphed the Colonial Office in favour of a similar measure. If he (C. S.) judged the Rev. Dr. Howley aright, there was no greater lover of freedom, no stronger or more persistent advocate for the rights of the people of this Colony than he, and he (C. S.) could not therefore believe that the rev. gentleman would favour such a measure as that before the Chair. If the Rev. Dr. Howley appealed to the Imperial Government two years ago to pass legislation of this nature, it was because he perceived the trouble that must accrue to his parishioners by reason of party strife in this Colony. At the time referred to, the French Shore question was unfortunately made a party question by those in opposition to the Government, and doubtless, the rev. gentleman fearing that the interests of those residing on the West Coast would be sacrificed between contending parties, expressed a willingness to accept what he believed to be the lesser evil, namely, Imperial legislation. As another argument in favour of this Coercion Bill so-called, it had been hinted by the hon. and learned Premier that the Imperial Government is likely to guarantee a loan of ten millions of dollars for this Colony if the Bill is passed by this House. It was perfectly correct that one of the despatches tabled stated that the guarantee of loan was

to be contingent upon the passing of this Bill, and hence it partook of the nature of a bribe. Now, if this was to be the price of our liberty, let it go? He would repeat that if this loan was to be the price of the liberty of our people, the liberty to live upon their own soil, to fish within their own waters, to mine and till that which was theirs by a birthright, let it go? He would never support the Bill upon such conditions, and he felt sure the House would not. In conclusion, he trusted that he had demonstrated to the satisfaction of the House, first, that there was no obligation resting upon the members of the House to pass that or any permanent Bill; secondly, that the delegation which the House had sent to England had not undertaken to recommend the Bill before the Chair; and, thirdly, that if the majority of the delegates had to have reported in favour of the Bill before the Chair, the House could not possibly have approved the same. The next question which presented itself was, what course should the House adopt in reference to the matter? There is upon our Statute Book a temporary Bill to enable Her Majesty's Government to carry out their Treaty obligations with France. That Act will expire next year. In order to afford ample time to Her Majesty's Government to negotiate for the evacuation of the Treaty Coast by the French—for nothing short of this would ever satisfy the people of this Colony—he would move a resolution pledging the Legislature to re-enact that temporary Bill for a further period of two years from the date of its expiry. He believed that if the bounty question was kept distinct from the Treaty Shore question, our difficulties were capable of solution. They had not been kept distinct. The question of French bounties was a great national military question, for the French looked upon the Bank fishery as a nursery for her Navy, and it was absurd, therefore, to suppose that we could ever coerce her to remove or reduce her bounties. But, if we were prepared to treat upon fair terms in regard to the Treaty Shore, he felt certain the present difficulties were capable of solution. The present Bait Act was at the bottom of the whole trouble. He appreciated, and would endeavour to lead others to believe, that a pacific and conciliatory feeling towards the Imperial Government is the duty of the House and of the country, but it was not our only duty. We owe a duty to ourselves and to our native land. Surely there was no man so object as to think that Imperial courtesy required him to hush up the grievances under which his countrymen were labouring, or to stifle his convictions respecting this matter. Let us pause and consider before we place a yoke upon our own necks and those of our countrymen—a yoke which, if voluntarily assumed, we could not consistently protest against later on. Let us further appeal to the sympathy and honour of the Imperial Government and great British public, to lessen, if it be not possible wholly to remove, the evils which threaten us. This he felt was the desire of the people of the country, and it would be well to remember that in proportion as we meet the wishes of the people and attain those ends, we shall be true to the spirit of the great maxim of constitutional government, that the voice of the people is the voice of God. He begged to move the following resolutions in amendment to the motion before the Chair:—

Whereas the Legislature of this Colony did on the 6th day of March 1891 appoint five of its members as a delegation to proceed to England to lay before the British Parliament and people the reasons of this Colony for opposing the legislation brought forward by the Imperial Government in reference to the French Treaties question:

And whereas it was resolved by this Legislature that when a majority of the said delegates should agree to any basis of arrangement and settlement, the said delegation should recommend it to the Legislature, and that each member of the delegation should be bound by the decision of a majority:

And whereas a difference of opinion has arisen between the said delegates, and the Legislature has had a majority and minority report presented for its consideration:

And whereas the Bill now before the House does not provide for the payment by Great Britain of compensation due to persons who may suffer by the enforcement of the Treaties, the *modus vivendi*, and the arbitration award, provision for which compensation was insisted on by the Marquis of Salisbury when speaking in the House of Lords on the 29th day of May 1891, to be a condition precedent to the enactment of any permanent Act by this Legislature:

And whereas the Bill now before the House is not acceptable to this House in other respects:

And whereas the Legislature did, on the 30th day of May last, pass a temporary Bill to enable Her Majesty's Government to carry into effect engagements with France respecting fisheries in Newfoundland during the period of negotiations for the settlement of difficulties concerning the Treaty shore:

And whereas it is provided that the said Act shall continue in force only until the end of 1893, and no longer:

And whereas the said negotiations may occupy a longer period than at first anticipated ;

Be it resolved,—That this House undertakes to extend the operation of the Act entitled, “An Act for the purpose of carrying into effect engagements with France “ respecting fisheries in Newfoundland,” for a further period of two years from the expiration thereof, so as to afford time for fuller negotiations.

Be it also resolved,—That the further consideration of the French Treaties question be referred to a joint Select Committee of both Houses, with a view to aiding Her Majesty’s Government in procuring a satisfactory solution of all existing difficulties.

Hon. the Premier.—As the hour was late, nearly midnight, and the debate promised to be a protracted one, he thought it would suit the convenience of the House to adjourn the debate till to-morrow. He therefore moved that the consideration of the notices on the order paper be deferred, and that the House adjourn till to-morrow at 4 p.m.

The House adjourned till to-morrow (Friday) at 4 p.m.

Friday, May 13,

The House opened at 4 o’clock.

DEBATE ON THE FRENCH TREATIES BILL.

Mr. Greene.—It was so late last night when he rose to second the amendment of the hon. Colonial Secretary that he gladly complied with the Premier’s request for an adjournment of the debate. He was at liberty now to discuss the subject at greater length, though he intended to be brief ; for he was persuaded that each and every member had made up his mind as to his course of action, and that no argument which he could put forward would affect the vote. He would be, therefore, contented with placing himself on record, and stating his reason for opposing the Bill. At the outset he would say that he could not agree with the Colonial Secretary when he stated that the agitation of ’89 threw difficulties in the way of a settlement of the French Shore question ; for he (Mr. G.) was convinced that it was the means of accomplishing a great deal of good. It aroused an interest in the question, and it created a feeling all over Great Britain and the Empire which did not exist before. There was not a newspaper nor public man but advocated our cause and created a public sentiment strongly favourable to the Colony. So marked was the state of the public mind that, had outside pressure been brought to bear upon the Lords and Commons, the question would have been decided in our favour at that juncture. When the delegation of ’91 went over to England they found the way paved for them. The public mind had been instructed in our case, and all the leading men of Great Britain had been conversant with our grievances through the medium of the pamphlet published by Mr. Morine, Mr. Scott, and Sir James Winter. No part of the question was presented by the delegation of ’91 that had not been made known by the delegation of ’90 and all that was left for the latter to do was to accentuate the pronouncements of those who preceded them. With those prefatory remarks he would address himself to the immediate subject before the House. The Bill before them, it was stated, was the result of propositions in correspondence ; consented to by each member of the deputation ; but it was difficult to see how far the correspondence bore out that contention. The Colonial Secretary asked, was this a Bill which would be acceptable to the people of this Colony ? But whether it was the result of the unanimous opinion of the delegation or not, he (Mr. G.) would ask himself whether it was one that commended itself to his judgment and sense of right ? In answer to this question he would say unhesitatingly that it was a Bill of such a character as he could never give his assent to. Any person who voted against the temporary measure should vote against a permanent one, and though hon. members of this House, and some people outside of it, may differ from him, he could claim one thing, namely, consistency of action throughout all discussion and debate in this Legislature, upon the question of the French Shore. He had to thank the hon. Colonial Secretary for one observation which was also applicable to the hon. members, Messrs. Murray, Tait, Carty, Murphy, with regard to our opposition to the motion to rescind the resolutions of last session. The hon. Colonial Secretary was correct when he said that we opposed the motion, and also that if those resolutions had not been rescinded there would be no occasion for our presence to-day to discuss the terms of this Bill. He considered this measure was of a far more obnoxious character than any Irish Coercion Bill that had ever been introduced into the British House of Commons. He was not

going to harp back to the circumstances which led to the rescinding of those resolutions, and the passage of the temporary measure, for the hon. Colonial Secretary had shown in an able speech why those resolutions had been rescinded and why a subsequent course of action had been taken. He was under no such obligation to explain his conduct with regard to the matter. It was quite true that an appeal had been made by one of the delegates who came out here, for the passage of the temporary Bill, which appeal came from their chief, and no matter what personal views might be entertained the hon. the Premier was considered their accredited leader in Great Britain. In his opinion there were weighty considerations to influence them in voting for the Bill on that occasion. There was no such allegiance due from him, as he had acted individually and according to his rights. For the information of the delegates he would say that he was not present in this House when the resolutions against the temporary measure were passed. It had been said, and even telegraphed, about him, that he was one of the two hon. members who were most active in having the resolutions passed, but he was not in St. John's at the time of the discussion, nor was he here when the resolutions were adopted. He arrived here the day after the telegrams had been received and action taken by this House to rescind the resolutions, but he endorsed most heartily what had been done in his absence. The terms and tone of the resolutions, no matter what may be thought of them now, were well warranted at the time, owing to the condition of affairs that then existed. He endorsed the statement of the hon. Colonial Secretary when he said that when the delegation were about to leave Newfoundland, so far as this Legislature was concerned, they were to go direct to the British public and not to the Imperial Government, to agitate to the best of their ability in order to prevent the passage of the permanent Bill. He remembered during the debate hon. members opposite objecting to the delegation going, and saying that their mission would be fruitless. One hon. member who was present in this House now had said that the delegation would accomplish no more than what had been done in the past, and one of the delegates answered him by saying that was no argument, because their efforts had been directed chiefly to the Colonial Office or to the Imperial Government, while this delegation would appeal to the people of Great Britain. He was not now going to find fault or to say that everything opposite had been done to that which was intended, for he believed that when the delegates found themselves in England confronted with the permanent Bill, the only course open to them was to provide for the passage of a temporary one. He would say that now, in the light of the correspondence and other information received during the present year, no such information was given when we passed the resolutions or committed ourselves to them. The correspondence which had taken place between the delegates and the Imperial Government pointed to the fact that after the passage of the temporary measure the terms of the permanent Bill would be discussed. He considered the position taken by the hon. Premier with reference to his remaining in London with the Hon. Mr. Harvey was a sound one. No matter what business brought the other delegates home it was the duty of those who remained behind to negotiate with respect to the details of the permanent Bill. If any details or matters had been left unfinished by his Honour the Speaker, Messrs. Morine and Monroe, he contended that it was clearly within the province of the others to alter any matters of form in the Bill without affecting the substance. But we find in the measure before the House that it is not according to the lines agreed upon and is in direct opposition to the wish of the majority of the delegation who have signed the report. In view of the importance of this subject and of the responsibility which the delegates were under to this House, we should never have had conflicting reports laid on the table of this House. We should never have had a minority report, for the delegates, by the agreement which they had entered into amongst themselves, were bound to stand or fall by the report of the majority of that body. The delegation consisted of five, three being against the Bill and two in favour of it, and now it was left for us to say how far we were prepared to accept it. He submitted that this was a Bill of such a character which we, as representatives of the people of Newfoundland, should not be called upon to discuss; it was obnoxious in the extreme, and intended to make us colonists do the dirty work of the Imperial Government. It was intended once and for all to settle the French Shore question beyond all dispute. We had been agitating for the last half century for a settlement of this question; delegates had gone to England and Canada with a view to having it arranged, but their efforts were without success. If hon. members now want the French Shore question settled once and for all, let them vote for this Bill, for they would then never hear anything more about it, or any complaints made concerning the condition of affairs that would exist on the French Shore. France, by this Bill

would obtain all she wants, and England would get out of her international difficulty at the expense of Newfoundland. We were told that when we came into possession of this Island, that it was subject to certain Treaty rights by a foreign nation, and if we were content to remain here, we must accept those Treaties in their entirety, and that we had no right or reason to complain. We had a right and a reason to complain. We had a right to appeal to the Imperial Government, day by day and week by week, to rid us of a burden which was too oppressive for us to bear, but we could never again ask the people of Great Britain to help us out of our difficulties if we once put the sign manual and seal on our actions by passing this measure. What would then be our position with regard to our fellow colonists, and could we ever go again to the people of the Dominion and ask them to help us? Could we go to the Legislature of Prince Edward's Island and obtain resolutions in support of our rights and in approval of our agitations? Could we go to the various Chambers of Commerce in the Provinces and ask their assistance, as we did a short time ago? Could we obtain from them testimonials in approval of our actions, if we went back on our position and had ourselves passed the very act of coercion which we had asked them to assist us in inducing the Imperial Government to discontinue? Most decidedly we could not. If, then, the Imperial Government wished this Bill to be passed, in God's name, let them do it themselves, but he would be no party to committing an act of suicide. If the chains were to be fastened upon us, let John Bull be the blacksmith. We had no hope of having those Treaties abrogated if we passed this law ourselves, and our only chance was to look forward in the hope of some modification being made which would be advantageous to this Colony. He had no hesitation in saying that a grave doubt existed on his mind whether the Imperial Government would take upon themselves the responsibility of passing a permanent measure. In looking over the debates of the House of Lords and Commons, and judging from the expression of opinion given by hon. members on this question, he very much doubted if the Bill would have been pressed to its final stage by the British Parliament, even if we had not sent them word that we had passed the temporary Act. A year has passed since then, and Great Britain was now on the eve of a general election, with diplomatic complications surrounding her on all sides, and those who were ruling over her destinies had sufficient to occupy their minds without endeavouring to pass a coercive measure affecting the Treaty Shore of this Island. He would go further, and say that Great Britain would not pass this measure, and if she would decide upon that course of action, let her do so, but we would still have our ground for agitation. In view of the fact that the suggestion of the delegates had been accepted, and a temporary Bill enacted by this Legislature was sufficient to show that Great Britain was satisfied with what we had done. She was contented with having the power of carrying out the *modus vivendi*, for she had made no attempt to proceed with the question of arbitration, and he doubted very much if, after a permanent measure was passed, the matter of arbitration would ever be finally settled beyond the portion of it relating to the lobster question, which was a *sine quâ non*. We were told that, under this Bill, our fishermen would have the right of appeal to the Privy Council. If one of our men had his traps and other gear confiscated to the value of, say, 100*l.*, which was probably all he had in the world, how could he possibly appeal to such a tribunal without any means or assistance? It was simply a bitter farce to make provision for those poor toilers of the sea to appeal to the Privy Council, even if they could afford it or would live long enough to see the termination of the suit. The expenses of an appeal to the Privy Council would be so heavy that it would take more than the value of half the floating fishing craft to defray the cost, and if it were possible to increase the irony contained in that provision, it was the fact that before an aggrieved fisherman could appeal he would be obliged to give security. In what manner could this unfortunate man give the necessary security when all that he possessed in the world had been taken from him? If he were even allowed the use of his craft on giving security, with the provision that he would surrender it if the appeal went against him, there might be some justice in the section; but when the craft would be sold and the fine collected he would be reduced to a helpless condition. Even if he had made an appeal and after years of waiting his vessel and other gear that had been confiscated were returned, what could be given to that man to compensate him for the loss he had sustained? The first section of the Bill provided that a judicial commission would be appointed to carry out the terms of the Treaties, which Commission would, no doubt, be composed of gentlemen of standing and legal ability in Great Britain; consequently we would not be allowed to have a voice in the adjudication of matters appertaining to our territorial rights. Surely, when we were granted a charter which gave us the

establishment of a Supreme Court having civil and criminal jurisdiction all over the Island, we ought to be considered competent to deal with questions that might arise in the carrying out of those French Shore Treaties. But should disputes arise in the future involving the interpretation of those Treaties, our Supreme Court was not considered competent to adjudicate upon them, but two gentlemen from Downing Street were to be sent here to administer justice. Was there ever anything more insulting to our Supreme Court, and was it to be considered so narrow-minded and lost to all sense of honour that it could not be entrusted with the interpretation of those Treaties? Could not a judge be found in this country capable of deciding those questions, and was there not to be found amongst us a man above suspicion, and possessed of sufficient legal ability to adjudicate upon and settle any disputes that may arise in the carrying out of England's obligations to France? He was safe in saying that those gentlemen who would be sent out would not be lenient with the fishermen of this Colony, but would come here imbued with Imperial and French views, and interpret the Treaties accordingly. They would be thoroughly versed in reading the Treaties according to the light given to them by the authorities in Downing Street, and would have no compunctions in acting in a tyrannical manner towards our people. He could not be a party to the passing of this Bill, nor was he going to wade through its sections one by one. His course of action had been consistent all through, and he still believed if this measure had to be passed our proper course was to let Great Britain herself do it. In bringing his remarks to a close, he would say that he had been thinking of some befitting words to place upon record. He had been asking himself what words would best convey to this House and the people of Newfoundland his objections to the passing of this Bill. He had turned over in his mind everything he had read, with the hope of discovering a sentiment that would express his views. He had at last found that language; he had found words befitting the occasion used by the hon. the Premier at the Bar of the House of Lords, which ran as follows: "If our fellow colonists must submit to coercion it must be the coercion of a power they cannot control, and not to that of a Legislature every member of which is deeply sensible of the oppressive character of the measure which Her Majesty's Government now appears to regard as indispensable."

Mr. Morison.—The House was now called upon to face a most important question, and it spoke well for the sentiment of hon. members present, that amongst all the speakers who had preceded him, not one had as yet seconded the motion that the Bill be read a second time. He had hoped that some other members of the Executive would have spoken on this matter, and he had waited to give them a chance, but as none of them seemed inclined to do so, he (Mr. M.) would now proceed to give his views on the matter. He was sorry that he was not present last evening whilst the hon. the Premier was speaking, but with the knowledge gained from a glance through the correspondence submitted to the House and the details of the Bill itself, he felt he was justified in opposing it to the utmost. The only reason which he (Mr. M.) believed the Premier could assign for introducing the Bill was that both the Premier and the Hon. Mr. Harvey had promised and had pledged themselves to the Imperial Government to pass the Bill, and they were now trying to do the best they could to redeem that promise. The reason assigned by the Premier, to the effect that the honour of the country was pledged to pass the Bill, he (Mr. M.) believed was not a valid one, and, if there was any reflection on anyone's honour, it was on that of the Premier, who, with his co-delegate, Hon. Mr. Harvey, promised of themselves to have this Bill passed. In 1890 the Premier had information in his possession on this subject, but he did not produce it in the House until a despatch was received at the "Athenæum," announcing the *modus vivendi*. Shortly after that, when protests were pouring in from every part of the country, the hon. Colonial Secretary had said that our agitation would irritate the French without effecting any purpose. He (Mr. M.) thought, however, that a good effect had been the outcome of the agitation; for if we had remained silent we would not be in the excellent position which we were to-day. To return to the Premier—that hon. gentleman had stated that the honour of the country was involved in the passing of this Bill; but the correspondence did not bear out that contention. Beside, even if we had to accept a Bill, we were, at least, not bound to do so unless it was introduced here by the wish of the majority of the delegates. The majority had reported on a Bill which was likely to be acceptable to this country, but after they had left for home the Premier and Mr. Harvey made so many concessions that the majority report and the present Bill bore no resemblance whatever. If there was any promise made to pass this Bill, it was made by the Premier and Hon. Mr. Harvey alone, and on them alone should fall the responsibility. In the letter to Hon. M. Monroe, dated June 6, 1891, the date of the last official act of the delegates, the principle of the Bill, to which all the

delegates agreed, was stated, but that principle was not in any way like that which was contained in the present one. It was important in this connexion to note what concessions the Imperial Government were willing to give this country on the 29th of May, at which date they did not exact anything like what was asked by the Bill under discussion. It must be borne in mind that the temporary Bill would not expire until the end of 1893, and therefore there was no necessity to bring in a Bill at all on the subject this year. The Premier had said that it was necessary to pass the Bill this year, yet Lord Knutsford had stated, in effect, that it was not necessary to do so, as the temporary Act would be in force until the end of 1893. It was scarcely necessary for him to refer to the suffering which had been entailed on our people by the action of the Naval officers on the French Shore. The records of the House in the journal would show their conduct. It could not be denied that the British officers had not extended justice in the true sense of the word to the people on the French Shore, and this was one of the greatest arguments in favour of the establishment of a tribunal the same as the Supreme Court. If such a tribunal were established, then all concerned would get even-handed justice; that was all the people wanted; the men wanted the right to fish quietly and not to be disturbed every day by the French on the smallest possible pretence. He (Mr. M.) knew of one harbour in which the French had not fished for 16 years nor the Newfoundland fishermen either, yet while a number of Newfoundland schooners were fishing there a year or two ago the French came in and drove them out by the order of one of their men-of-war. It was very rough at the time and the Newfoundland schooners had to beat about in the Straits of Belle Isle all night at the risk of losing both schooners and lives. And this was what some persons would call justice. To some extent he blamed the Newfoundland fishermen for the present condition of affairs, for they were too quiet and law-abiding, thus permitting the French to impose upon them. If all of them followed the example of Joe Aylward, a stalwart fisherman of Knight's Cove, Bonavista Bay, the French Shore question would have been settled long ere this. Joe was quietly fishing in one of the harbours on the French Shore, when he was boarded by a French crew with intent of destroying his gear and taking his boat. The Newfoundlander was practically alone, while there was a boat-load of Frenchmen. But he had faced larger odds than this, and the man who could beat his skiff single-handed in a north-west breeze up Knight's Cove Bight, with her lee gunwale in the water was not to be deprived of his boat and fishing gear by a handful of Frenchmen. He waited until (to use an expression of the "tented field") he saw the whites of their eyes, and then arming himself with his "spread" he felled ten of them. The Frenchmen recognised that they had tackled the wrong man, and as soon as they had recovered themselves, they pulled away from the spot with might and main. Every day during the season, there were fishermen disturbed on the slightest pretext possible, and this was what would be called British fair play and British law. Where was the remedy for this state of affairs? First, in the appointment of judges like those of the circuit court, whose decisions the Newfoundland fishermen could accept without a suspicion of bias. Second, an appeal, if necessary, from these judges to the Supreme Court of the Island, and further, if necessary, to the Privy Council of England. Third, the fishermen should have the right to make complaint if they considered themselves aggrieved. Under the present Bill not only was there no appeal to the Supreme Court but the fisherman had no right to take action at all, however much he might have reason to do so. This law has no precedent on the British or Colonial Statute Books. The Naval officer can make a complaint, and if the fisherman be found guilty by the Commissioners, fines can be imposed, the man's property confiscated, even though he had in the meantime appealed to the Privy Council.

What was wanted on the coast was an independent tribunal which could sit during the fishing season, and whose judges could not be removed without sufficient cause. It had been stated that, if this Bill were not passed, the old Act of George the Third would be re-enacted. If England wants to do so she has might on her side, and can do it herself; but never let it be done without a protest from Newfoundland, who will never willingly accept an additional link in her chain. If we accepted the present Bill, farewell to all hope of settlement of the French Shore question for the next 25 years. If we asked the Imperial Government to free us of these French Shore claims, the reply would be, "You passed a Bill in your Legislature settling the question practically, and we will leave matters remain as they are at present." Yes; it was only by continued protest against the existence of the entire French claims that the question would ever be satisfactorily settled. The Premier had hinted, amongst other things, that if we passed this Bill we would be given a loan of ten million dollars by Great Britain. This was the golden bait thrown out to dazzle our eyes and cajole us into an unguarded acquiescence;

but it would be well to look at this matter from a proper standpoint before commencing ourselves. In the first place, we may never get the money at all, for no definite promise had been given to that effect; and if we did get it, with the debt we had already got to shoulder, the end would be bankruptcy or confederation. While he (Mr. M.) was a believer in confederation, he did not believe that the people should be driven into it by underhand means. The getting of this ten million dollars loan, even if the Bill were passed, was contingent on the report of commissioners sent out here to examine our soil, mineral prospects, &c.; but when it would be found that we already had a debt of from five to six millions, the prospects for the extra loan would be very small indeed. If this Bill passed, there would, of course, be considerable pickings for some hon. gentlemen in connexion with the lobster arbitration; but if hon. members on the other side could not see through this, they had not astuteness for which he would give them credit. It was right, perhaps, from the standpoint of hon. members who expected to gain something by the passing of the Bill to strenuously support the Bill, but in doing so they were advancing their own interest and ignoring that of the public. Every man, on the other hand, who viewed the matter from a purely public and national standpoint, would vote against the Bill. He believed that the British Government were under the impression that the Government party in Newfoundland were pledged to carry the Bill, through, and he was led to this conclusion by the debates in the British House of Commons during the early part of the session. In answer to a question asked by somebody in the House of Commons on the 10th of February last, in connexion with Newfoundland affairs, a responsible Minister of the British Government stated that a permanent Act had been agreed to between the Newfoundland and British Governments, and only awaited the opening of the Colonial Legislature to be passed. This showed that some person—whether the Hon. Mr. Harvey or Sir William Whiteway he could not say—had given the British Government to understand that the Government party here were prepared to pass the Bill; but he was glad to find that such was not the case, and that hon. members on the other side of the House were prepared to come out manfully, as the hon. Colonial Secretary had done, and record their opposition to this iniquitous legislation. He believed the fate of the second reading of the Bill was sealed; that the motion of the hon. Colonial Secretary would be carried, and when the question came to a vote he would record his vote in favour of the hon. gentleman's motion.

Mr. Webber.—Although the subject now before the Chair was not new either to the House or the country, the actions of some hon. members would give the impression that it was now before us for the first time. He was not surprised to see those hon. members adopt the same tactics which they adopted last year, when they wanted to go across the water on a delegation to England. At that time they made a hue and cry on this question, and quickly floated a delegation on the wave of popular excitement which their own tactics had created. Was this the proper way to deal with an important question like the one before us? He thought not. Last year, when this matter came up, he stood up in his place in the House and pointed out the utter inutility of sending men to Great Britain to prevent what every unprejudiced person knew would be upheld, namely, the enforcement of the Treaties with France; but great things were to be accomplished, and he and those who sided with him had to give way to the majority. And the very same persons who were then clamouring for a delegation are now shouting about "Coercion," "Native Rights," &c., in order to arouse popular discontent with the Bill before us, and thus induce hon. members to vote against it. And why? Because the Bill before us provided for the enforcement of the Treaties, upon which point the Parliament and public of Britain are a unit; and because this Bill is based upon the proposals of the delegates themselves, who wisely admitted the necessity of enforcing the Treaties, but who asked to be allowed to provide the necessary legislation for that purpose. Could any position be more ridiculous or inconsistent? It had been argued that when the delegates left here last year it was understood that they went to lay our case before the public and Parliament of Great Britain, and he must say there was good reason for that statement. When he (Mr. W.) got up and pointed out to the House that in the light of recent experience it was useless to send delegates to the British Government on the French Shore question, one hon. member who subsequently went on the delegation replied to him by saying that if they were to simply go to the British Government, they would not ask the House to send them, but that they were going to appeal to the British public and Parliament and thus bring pressure to bear upon the British Government in the interest of this Colony. When he heard this statement he took it for what it was worth; he knew hon. members were determined to have a delegation, and every effort should be made to overcome the objections to it. What did they find when the delegates reached England? They found

that the delegates went first to the Liberal party instead of to the Government; they went to those who were doing all they could to oust the Government of the day, and he did not think that any member of the delegation would deny that the leader of the Liberal party refused to treat with them at all, unless, as a precedent condition, they promised to provide effective legislation on the enforcement of Treaties. The delegates, acting upon the advice of their friends and sympathisers, approached the British Government on the matter, and we are all familiar with what took place. The Bill before Parliament was stayed. The delegates had been censured for acting as they did while in England. He (Mr. W.) heartily endorsed the conduct of the delegates, believing that they had done the best they could under the circumstances, and that any other course would have only resulted in covering themselves and the Colony with ignominy. They went to the British Government, and from them to Parliament, and what did they ask for? He would first take up the petition to the Imperial Parliament adopted here by the Legislature on April the 3rd. In speaking of the Bill before the Imperial Parliament they said:—

“This Act (Geo. IV.) embodied provisions of an oppressive and arbitrary character, wholly repugnant to those principles of liberty and justice which are said to be the basis of modern British legislation. They conferred upon the officers of Her Majesty’s ships engaged in the fisheries protective service, who were entrusted with the settlement of Treaty disputes, powers of summary adjudication independent of all the restrictions and safeguards which British law has devised for the defence of the inherent rights of British subjects. Those powers extended to most severe penal inflictions, and were beyond appeal. (He never could find out what those penal inflictions were.) And when it was remembered that they were exercised by persons unacquainted with legal procedure, and whose peculiar training and habits of thought and action dictated unquestioning submission to their decrees, it must be manifest that excessive hardships and injustice were the frequent and inevitable results.”

The burden of the petition was the extensive powers exercised by naval officers, and it was to get over this trouble and bring about a better state of affairs that the delegates went to England. On April the 2nd the delegates addressed Lord Knutsford in these words:—

“First. (a.) The Newfoundland Legislature to pass immediately an Act authorising the execution, for this year, of the *modus vivendi*, the award of the Arbitration Commission regarding the lobster question, and the Treaties and Declarations under instructions from Her Majesty in Council; (b.) The further progress of the Bill before Parliament to be deferred until the passing of the above Act, and the Bill then to be withdrawn; (c.) The terms of an Act to empower courts and provide for regulations to enforce the Treaties and Declarations to be discussed and arranged with the delegates now in this city as rapidly as possible, and to be enacted by the Legislature of the Colony as soon as agreed upon.”

On Monday, May the 1st, the delegates said:—

“If the Bill now before the Lords be not further proceeded with, and if Her Majesty’s Government admit the principle of a measure for the creation of courts to adjudicate upon complaints arising in the course of the enforcement of the Treaties and Declarations relative to French Treaty rights, and engage to discuss and arrange with us as soon as possible the terms of a Bill embodying that principle, we will with all possible speed procure the enactment by the Colonial Legislature of a measure giving power to Her Majesty in Council during the current year to enforce, in the same manner as heretofore, her rules and regulations for the observance of the *modus vivendi*, the award of the arbitration, and the Treaties and Declarations with France; which temporary Act the Colonial Legislature will replace by a permanent measure for securing the enforcement of the Treaties under the orders of the special courts referred to above.”

It would be seen from the foregoing that the delegates did ask for *special courts*, and that was one of the things which the Bill provided for.

Mr. Morine.—The special courts asked for by the delegates had no connexion with those in the Bill.

Mr. Webber.—His contention was that they had, and he would show the hon. gentleman how. By the promises he had just quoted the delegates led the Imperial Parliament to believe that they intended to fulfil the conditions laid down, and this was the reason the Bill was defeated in the House of Commons. This Colony was pledged, through her delegates, to the British Parliament to pass the Bill before the House, and it would be a very serious matter for the Legislature to break faith with the Imperial

Parliament. He would now quote what one of the Colony's great friends, and one who took a deep interest in the delegates, said on the subject. Lord Kimberley says :—

"I should suppose that by special courts the delegates mean *special Imperial* courts, which would act independently of the ordinary courts of the Colony."

It was clear that Lord Kimberley inferred that the delegates asked for special courts, and the whole burden of the address showed that what the Colony objected to was the enforcing of the Treaties by naval officers, which was considered an outrage on British subjects, and not compatible with British justice. Those who supported the cause of Newfoundland both in the House of Lords and the House of Commons were under the impression that the delegates had asked for special courts, and they could come to no other conclusion from the correspondence of the delegates. He supported the position taken by the hon. the Premier. The Premier had been charged with a breach of faith in bringing in this Bill, but he would like to see some proof in support of that charge, and he thought the resolution passed last year before the delegates left for England was sufficient answer to the charge. It ran thus :—

"Resolved,—That when a majority of the delegates agree to any basis of arrangement, the delegation shall recommend it to the Legislature; and that each member of the delegation shall be bound by the decision of a majority of the Legislature, and pledged to use his best efforts to procure adoption afterwards by the Legislature of any arrangement made by the delegation."

Was there anything in that resolution to prevent the Premier from bringing in the Bill? It did not say bound by a majority of the delegates, but by a majority of the Legislature, and the hon. Premier was perfectly justified in bringing in the Bill, for he was one of the men who remained in England to do the work he was sent to do, and if the other gentlemen had followed the example of Sir William Whiteway and Hon. Mr. Harvey a different state of affairs would exist to-day.

Mr. Morine.—You are misquoting the resolution. It says "a majority of the delegation" not Legislature.

Mr. Webber was quoting from the authentic journals of the House, and if the hon. gentleman went to the manuscript copy of the same he would also find the words "a majority of the Legislature." The delegates held their authority according to the credentials given them by this House, and there was no breach of faith in the Premier's bringing this measure before the House for its refusal or acceptance. Some hon. members seemed to be making a great deal of noise about nothing. They all admitted that the Treaties should be carried out, and he submitted that it made very little difference how they were carried out, for what the Colony wanted was to get clear of the Treaties altogether. By passing this Bill we would not delay their abrogation 24 hours, for though we might have 50 laws on the Statute Book to enforce them, when the time came for doing away with them the British Government would do so.

The Colony asked to be allowed to pass a permanent Act, because she was jealous of her rights, and wished to retain the power of legislating, and not have the British Parliament legislating over our heads, and, therefore, it mattered very little how or by whom the Treaties were carried out so long as the rights of the Legislature were preserved. While the Treaties existed they would work hardship to the country by preventing the opening up of the mineral and agricultural lands on that coast; but while they were there they would have to be carried out. He had heard a great many complaints about the court provided for under the Bill. It was going to be a terrible affair, as bad as the naval officers; but he would just refer to page 12 of the correspondence as another proof of what the delegates asked for.

"Heretofore," they say, "the orders, regulations, and instructions of Her Majesty in Council for securing the observance of the Treaties and Declarations with France have been carried into effect by naval officers, who have apprehended, judged, and punished our fellow-colonists, combining, in fact, the functions of policemen, judges, and juries, and no right either of appeal or redress has been possessed by those who may have considered themselves aggrieved."

That was the great objection, not only because they were Naval Officers, but because they occupied the position of constable, judge, and jury, contrary to all principles of British law and justice.

"We do not desire to cast any imputations upon the Naval Officers, many of whom have proven true friends of the Colony, but the very nature of their duties and powers has made hardship inevitable. We propose that they should now be relieved of a portion of their functions."

Did not the Bill before the House do that? How in the name of goodness were they going to hold a court on the Treaty Coast if they had not men to apprehend offenders

and bring them before the judges? Were they going to have a staff of local police, as they had on the bait protection service, and if so, was the Colony able to afford it? The delegates went on to say:—

“ They may continue to patrol the ‘Treaty Coasts, and may *apprehend* those against whom complaint is made for infringement of fishing rights; but in all cases the decision upon such complaints should be given by a qualified judicial officer, appointed for the purpose, who would hear the evidence in each case and decide summarily, and whose decision the Naval Officers could carry into effect.”

That was just what the Bill before the House provided for, special courts presided over by judicial officers, and he had shown that during the debate in the House of Lords, while they were all strongly in favour of continuing the present system, they at the same time agreed to the propositions of the delegates with regard to the establishing of special judicial courts. Was it not plain then, to every unbiased mind that, what the delegates asked for was contained in the Bill? The hon. the Premier and the Hon. Mr. Harvey, who remained in England last year and had the details of this Bill worked out, were authorised and justified in doing so, and their opinions should carry great weight with this House. Some hon. members opposed the temporary Bill last year, because they said it was going to cause an insurrection on the French Shore, and they were going to have arrests and trials down there every day, but he had heard nothing of it after, and he ventured to say that, if they passed this Bill the people most affected by it would give very little trouble. They ought to have sufficient faith in the Home Government to be convinced that they would act wisely in their selection of the men to be sent out here as judges or commissioners, and he could see very little reason for abusing the naval officers, who had always shown great tact and discretion in the discharge of their duties. For his part he would just as soon see men appointed by the British Government to discharge those judicial functions, as to see them appointed for political purposes by the local government. They had officials enough in the Colony already, and the taxpayers would rather that Great Britain should provide for the enforcement of those Treaties than that the burden of it should rest on them. Besides, if hon. members would just look at the blunders and mistakes committed every day by some of those appointed to perform judicial duties here, they would see that there was more danger to be apprehended from the appointment of local than of Imperial judges. Look at the decision given a few days ago in one of our courts in the case of those steamers which sailed before the time, and ask if a more absurd judgment than that would likely be given by any judges appointed by the Imperial authorities, or that the people on the French Shore would suffer if Great Britain appointed officers to carry out the Treaties there. Such a contention was pure rubbish and moonshine. Last night the hon. member for Bonavista, Mr. Morine, had held out great hopes of the good things that were going to accrue to the Colony when the Gladstonian Government came into power, as a reason why we should defer the Bill. This was truly a happy thought. Now, in the first place he (Mr. W.) had great doubts as to whether the Gladstone Party were coming into power or not at the next elections, as the Salisbury Government had a good record at home and abroad. But even if they did, he would like to know how our prospects would be improved by such a change. He would ask the House to consider what men in the British Parliament were stronger in maintaining that the Treaties should be strictly enforced than the Liberal Party. But, says the hon. gentleman, the Radical wing of the Gladstonian Party would force that party into taking some action towards settling the Treaty question. If the hon. gentleman meant by the “Radical wing” the Home Rule Party, upon whom Mr. Gladstone will have to depend in a large measure for support, he would just refer him to the conduct of that party last year when our case came before the British House of Commons. Where were the members of the Home Rule Party at that critical period? They were conspicuous by their absence from the House. He would ask if those were the men who were going to force Mr. Gladstone into doing great things for Newfoundland? Whatever hope the Colony had of obtaining a settlement of the question, it was in the Salisbury Government and not from Mr. Gladstone, who had enough to occupy him for the remainder of his natural life in perfecting his Home Rule Bill, without thinking about Newfoundland. No doubt both he and party would be glad if the whole matter was shelved before they came into power. He supported this Bill, because he did not believe it would have been brought in here by Sir William Whiteway and the Hon. Mr. Harvey unless there was some necessity for it, and that it was calculated to benefit the Colony, in which both these hon. gentlemen were so deeply interested. What man had done more to bring about a better state of things on the French Shore than the hon. the Premier, or whose

opinions on this matter were more entitled to respect? There was not a man in the country to-day who from long experience in connexion with this question had more knowledge of it than the Premier. The Hon. Mr. Harvey was one of the foremost, if not the foremost merchant of Newfoundland, and therefore he would take his opinion before that of many others. Could it be supposed that Mr. Harvey, with so much at stake in the Colony, would support a measure that was going to work injuriously against its interests? He (Mr. W.) did not think such a thing likely. But that hon. gentleman knew the position in which the Colony was placed abroad; that she was pledged to pass this measure, and he was not prepared to sacrifice the honour of the Colony for political purposes. Therefore, when a matter like this came before the Legislature, supported by those two members of the delegation who remained in England to do what they were sent to do, while the others did not, their opinions ought to be taken in preference to any others. He admitted that the hon. member, Mr. Morine, had been sent here by the delegates, but the other two gentlemen should have remained till some satisfactory arrangement was arrived at, and not have allowed their private interests to take them away from the public duties they were sent to perform. There was no need for him to say any more on this subject. He did not imagine that any words of his were going to influence the vote of hon. members, but felt it his duty to give expression to his opinion on this matter, and do his best to maintain the honour and integrity of the Colony by supporting the second reading of the Bill before the House. Its adoption could not in any way injure the Colony, or delay for 24 hours the abrogation of those Treaties, which now worked so much hardship to our people. While, on the contrary, he thought its rejection might affect us injuriously for years to come. He seconded the second reading of the Bill.

Mr. Shea felt it his duty on such an important matter to offer some remarks before he gave his vote. It was certainly the most important matter that had come before the Legislature the present session. When the subject was discussed last year he with other hon. members strove to support the action of the delegates who were sent to England, and who asked the Legislature to take a certain course which appeared, on the face of it, to be very repugnant, but as it seemed to be the unanimous wish of the delegates, the House was guided by their decision and adopted the course they had suggested. He considered that he would only be adopting a consistent course now by following out what he did then, in adopting the views of a majority of the delegates. He would therefore offer his opposition to the second reading of the Bill, because that course seemed to be the wish of a majority of those who had gone on the delegation. They had two reports before them, one signed by two members of the delegation, and the other by three, and if the Legislature was to be bound by the action of either portion, he should certainly say they were bound to adopt the course recommended by the majority. He did not say for a moment that the Legislature was bound in any way by the action of the delegates, but he contended that, if they were to take the views of any portion of that delegation, they should take the views of the majority, and as the majority reported adverse to the second reading of the Bill, he would, in order to preserve a consistent position, have to vote against the second reading. From all he could learn, whether from the remarks of Lord Kimberley and Lord Herschell on the one side, or Lord Knutsford on the other, there was no question in his mind but that the Bill was an obnoxious one to the people of this country and Great Britain. There could be no doubt that if it came into operation it would bear harshly on the fishermen of this Colony, particularly on that portion of them who carried on the fishery on the so-called French Shore. If such legislation was to be enacted, let the Imperial Government who framed the Bill pass it, and let the burden rest on their shoulders. He was not here to pass any measure unless he saw it was going to benefit the labouring classes and fishermen of the country, and he failed to see anything in the remarks offered in favour of the Bill, that it was going to be a benefit to the country, and such being the case he should give his opposition to it. What were they going to gain if they passed this measure? Had any hon. member pointed out a single benefit that was going to accrue to the Colony from such an enactment? We were told that it was going to allay the irritation that existed between the French and British Governments, but he would ask, why should the Colony of Newfoundland step in to allay the irritation between them? As far as he could see that was in reality all the good it was going to do, and as he remarked before, if the British Government wanted this Act passed let them do it themselves, but do not let this Colony step in the breach and have it thrown in her face that she passed such a measure of coercion against her own people. He did not believe in all the clap-trap he heard about no coercion, but he would say that this Bill was obnoxious on the face of it, and though he had only glanced through it, everything he saw there implied a protection of French interests. He was not running away with the

idea that the French had not as much rights on certain parts of the coast as we had, but he was not going to act a part with the British Government to make it easier for the French to carry out their Treaty rights. The British Government had sent out ships year after year to protect the rights of this country forsooth, but in reality to protect the rights of the French. He remembered a few years ago to have heard a commander of one of Her Majesty's ships say that after one year on the coast he felt ashamed to come here again. We all know that when trouble arose on the French Shore, in nine cases out of ten the decisions were against our people. The French interpreted the Treaties in their own light and were not afraid to act up to it, while the English finessed the question, and now the Colony was asked to make this finessing easier by passing the Bill before them. The Premier, in the course of his remarks yesterday, would lead them to suppose that if the Bill were not passed it would be a breach of faith on the part of the Legislature, but he failed to see how any argument adduced by the hon. gentleman could convince the House of the correctness of that position. As a matter of fact the Imperial Government had done nothing since last year on the promises made by the delegates, and matters were in the same position now as they were twelve months ago. Again, there was nothing before the House to show that the Imperial Government was asking them to adopt this measure. The temporary Act would not expire before the end of 1893, and why, in the name of common sense, were we going to rush this measure through and close the doors against ourselves before there was any necessity for it? There was no necessity for any haste in this matter, and he supposed if the measure passed into law no one would be more surprised than the Imperial Government, because the temporary Bill would hold good to the end of 1893. Towards the close of his remarks the Premier referred to the loan of 2,000,000*l.* provided by the Imperial Government, but he should say that he did not see the connexion of a loan with the settlement of the French Shore question. He would not say that the hon. gentleman held it out as a bribe. So far as he, Mr. S., was concerned, he hoped that this loan would never be given to the Colony, because it was the most humiliating offer that could be made. At the end of this year a commission would come out here, and if the financial condition of the Colony was found to be satisfactory, the loan might be taken up. Then the Imperial Government would send out persons to disburse it in such manner as they deemed fitting, which was positive proof of the opinion they had of the people of the Colony. He could only repeat what he said before, if this measure was to be enacted, let it pass into law by the Imperial Government who sent it out, but let Newfoundland step outside of the matter, for she had nothing to gain and everything to lose by the adoption of such a measure. He did not think it necessary to detain the time of the House, but he considered it his duty to express an opinion on this important matter, a duty which he owed, not alone to his constituents, but to the people of the whole country. He considered that he would be recreant in his duty if he did not take up a position in the interests and welfare of the general community, and whether this position was a right or wrong one, he was prepared to take the consequences. He hoped that when the time arrived for voting for the second reading of this measure the good sense of the House would see the necessity of forcing the responsibility and onus on the shoulders of the Imperial Government. Let the responsibility of passing this measure rest with the Imperial Government and with them alone.

Mr. Murray.—So much had already been said on this matter that he felt it was not incumbent on him to view it historically, nor go back to the time when those Treaties were first entered into between England and France. Every hon. gentleman in this House was aware of the position he had assumed with regard to this question since the very beginning. When the matter was first mooted he had stood up against the organisation of a delegation proceeding across the water to interview the British Parliament concerning the Coercion Bill. He had resisted the passage of the temporary Bill by voting against it, and, as the hon. member, Mr. Greene, had said, it was not likely that any one who had voted against that Act would consent to the passage of a permanent one. He had no wish to enter upon the merits of this Bill, but would refer to the actions of the delegates who had been appointed to proceed to Great Britain. When the delegates asked this House to pass the temporary Bill we, in deference to their wishes, agreed to accept it, although he considered that such a position was the first mistaken step. That temporary Act was now on the Statute Book and would be the law of the land until the end of 1893. We had heard nothing more about this question until we received the final report which was signed by the majority of the delegation and who recommended us not to adopt further legislation this session. As a legislator, he maintained that he had no option but to abide by the recommendation of the delegates as contained in their report. If we were bound to carry

out their wishes we were also bound to accept their recommendations, and the same rule that made it binding upon us to pass a temporary Bill was equally binding upon us to reject this permanent one. We all remembered the circumstances under which the delegation was appointed, how the debates were stifled, and hon. members refused to be allowed the privilege of making their sentiments known to the outside public. The instructions of those delegates were drawn in a very hurried manner, and they seemed to be imbued with a desire of getting out of the Colony as quickly as possible, which resulted in the fact that they had virtually received no instructions at all, but were allowed to do just as they pleased. We ought to have sat down at the time, and in the calmest manner, deliberated upon and formulated such instructions that the delegates would be confined within the four walls of their commission. In the year 1836 the late Mr. Nugent left this Colony to go across the water as the first delegate, and he returned within 12 months, and stated that he had settled the French Shore question. It was as far now from being settled as it was then, and the question was simply one that had been advantageously used by our local politicians to suit their own purposes. The hon. the Premier had said that this was not a party question, and he (Mr. M.) would like very much to know why it had not assumed that aspect. It seemed that this Government since they came into power had never assumed the responsibility of bringing in any party question, but had always treated every important matter like the present one. Would the people of Newfoundland allow their Government to say with regard to this important question that they disclaimed all responsibility, and would they allow the Premier to introduce it as a private member of his party? It was well known that the Government were divided on the matter, one half of them seeming to be in favour of, and the other half rife in their opposition. He knew what was meant by the option to allow each member to vote independently. It was simply that each might retain his position, and all hold on to office. Was that a principle of British Parliamentary Government on such a crucial question? Instead of meeting issues squarely they shirked, dodged, and evaded every important question of policy raised here; and there was not a single occasion when they rose to the courage of their convictions. This was a party question, and it was one on which the people of Newfoundland should know how their Government stood. We have given the delegates a charter to go over the water and settle this French Shore question, but they returned leaving it more unsettled than ever. They should have said to the English Government, You should settle this question; it was not for us to interfere as between England and France. Sir William Whiteway was correct when he asserted here that the British Government would carry out their Treaty obligations at all hazards; and his words had been abundantly verified. When the delegates arrived in London, and laid their case before Parliament, they found that its members, friends and foes alike in politics, were united as one in the determination to carry out the Treaties. The Irish, Radical, Liberal, and Conservative parties were all united in their estimate of the good faith in which Treaties should be kept. What would become of us if we were to repudiate our agreements? But as this Bill conflicted with the interests of the Colony, our first duty was to refuse to accept it; and as it devolved on the British Government to carry out their Treaties, let the British Government, if there was anything objectionable in these Treaties, carry them out; for we were only their tenants. By adopting this course we could enter court with clean hands. He must say that he could not give his assent to the resolutions of the Hon. Colonial Secretary which proposed to extend the temporary Act for another two years. It should not be extended for a single day, and it was a mistake to have extended its operation till 1893. He also objected to the Colonial Secretary's resolutions, because they asked us to refer this subject to a joint select committee of both Houses. He wished to see the question buried beyond all hope of resurrection, for we have had enough of worry and expense on account of it, since the closing of Mr. Baird's factory by the captain of the "Emerald." For these reasons he could not agree to the Colonial Secretary's resolutions. He omitted to mention, concerning the Bill, that it would not only maintain the present status, but the court to be appointed under it would make matters worse than they were before. It provides that, "When an officer shall think it necessary to take action to enforce the Treaties, and maintain peace and good order, he shall bring the matter before the Judicial Commission Court, and before taking any action obtain a judgment of the court, directing such action." Sub-section 2 states that, "A Naval officer shall have power, with a view to any proceeding in the Imperial Commission Court, to take and bring before the court any person, or vessel, or boat, or any tackle, equipment, or nets, and for that purpose, and for the purpose of the execution of any judgment of the court, shall have the authority and be entitled to the immunities given by law to any sheriff, bailiff, tipstaff, constable, or officer executing a warrant or judgment of the

"Supreme Court, or Stipendiary Magistrate." This section actually leaves all to the discretion of Naval officers, and was in this respect the most infamous Act he had heard of since he knew anything of political life. To legalise such conduct was impossible.

That an officer might take the person, nets, and equipments of any fishermen and treat them in the arbitrary and summary manner set forth in this Bill, without being responsible, was a piece of outrageous legislation to which he would not submit. This Bill would not make the position of affairs better than they were previously. At present we could trust to the blunt sense of justice of British officers; but now we had imported into the French Shore difficulty that child of the devil, "the educated lawyer," who was to be sent out here for the express purpose of carrying out his instructions, like the agent of a supplying house was sent to carry out the orders of his masters. There was no appeal from that court; they were bound hand and foot, and in the power of the worst possible tribunal, composed of Naval officers on the one hand and the imported lawyer on the other. Without wishing to detain the House any further, he would submit the following resolutions for the consideration of hon. members:—

"Whereas a delegation was appointed by this Legislature at its last session to visit Great Britain and represent the views and interests of this Colony in relation to the settlement of the so-called 'French Shore' question:

"And whereas an agreement was entered into with the delegation by the Legislature at the time it was constituted, under the terms of which agreement the Legislature bound itself to confirm and give effect to the recommendation of a majority of the delegation:

"And whereas in terms of that agreement and in accordance with the recommendation of the delegation, a temporary Bill to provide for carrying into effect Her Majesty's engagements with France was accepted and passed by this Legislature and is now in force:

"And whereas the operation of that Bill will not expire until the end of the year 1893:

"And whereas another and permanent Bill of the same nature and effect has since been presented to this House and urged upon its acceptance, the second reading of which Bill is now proposed:

"And whereas a majority of the delegation has reported against the acceptance of this permanent Bill:

"Therefore resolved,—That, as our acceptance of this Bill would be a violation of our agreement with our delegates in relation to this matter, and as no necessity exists for the enactment of another measure by this House at present to give efficacy to the Acts of Her Majesty for carrying out her Treaty engagements with France, this House would be recreant to its duty in the interests of Newfoundland to pass the permanent Bill now before us, and that said Bill be read a second time this day six months."

Mr. Murphy.—On behalf of 15,000 of his fellow countrymen resident on the so-called French Shore, he would enter his protest against the principle of coercion which was sought by this Act as a yoke to be placed around their necks. On behalf of 4,000 other Newfoundlanders who went down upon the Treaty Coast in the early spring fishery in search of cod, he would enter his solemn protest. For no man in public life in this Colony had he a higher respect than he had for the worthy Premier, who sat at the head of the dominant party in this House, but he could not, and would not, vote with him for what he considered a misfortune to our people and a disgrace to our Legislature. He would do the hon. Premier the justice of stating here, on the floor of this House, what he (the hon. Premier) had told him when the Bait Act was first introduced into this House. For, in conversation with him, the hon. Premier had pointed out all that had transpired since that Act had found a place upon the Statute Book of the Colony. In looking back now he felt that he must have been gifted with almost prophetic fire. All that he then stated had since been realised. We had our troubles on the French Shore. We had our troubles in Fortune Bay. The Colony was now having its trouble with Canada, and, worse than all, with the Mother Government in Great Britain. He would do the hon. Premier the further justice of stating that, while the other three delegates had been inconsistent on this question of permanent legislation upon the Treaty Coast, that he and Hon. Mr. Harvey had been consistent. When the hon. member, Mr. Morine, came out as a delegate from the four others at London, he, Mr. Murphy, demonstrated from the correspondence between Lord Knutsford and our delegates, the representatives of the Colony had committed themselves to a permanent Act. He was the only member who voted against the second reading of the Bill introduced to this House by Mr. Morine. But five or six members, out of a House of

thirty-six, had endorsed the position then taken by him when the doors were closed in privilege from the general public, while he knew that a majority were here to-night prepared to vote against coercion. But the public were admitted to-night, and would be able to learn through the reports of what had transpired in the House. He did far more vehemently declaim against and denounce the temporary Bill of last year than he would the permanent Act of this. The reason of such a course would be manifest to all who knew the slightest upon this French Shore question, that the famous Labouchere Despatch of 1857 was the charter of our liberties. Under that famous despatch it was provided that the Imperial Government would do nothing so far as the Newfoundland fisheries were involved without the local Legislature having been first consulted. That despatch was the sheet anchor of our Island. It was the *magna charta* of our liberties and rights, and the delegates whom we sent to Westminster abandoned all the ripe fruit of years of struggle when they consented to the temporary Coercion Act of last year. This House, when with closed doors it slavishly consented to the passing of the said Act, was travelling in the same lunar orbit. Mr. Speaker, he would claim the right of freedom of speech in this his native Legislature. If the British Government on the question of free trade with the United States would side with the stronger Canada and [against?] the weaker Newfoundland; if the British Government would still continue to restrict us in the control of our bait fishes; if the British Government would maintain the rights of French fishermen as against British and Newfoundland fishermen; if the British Government had felt tired of this Colony and would dare pass coercion upon our people, then the quicker the Union Jack was pulled down and the Stars and Stripes ran up in its place then the better for the people of this downtrodden Colony! What, pass this Bill and deny 20,000 of his fellow-countrymen the right of subsistence in their native land? He would never do it. Deny those men who live on the rocks of Newfoundland from taking those fishes which God Himself had sent to their very doorsteps! It would be committing an outrage—a sin against humanity. He remembered when Sir Frederic Carter and the present Premier obtained, in 1878–9, the right of representation, the administration of laws, and the settlement of land upon the Treaty Coast. They deserved their meed of praise for this successful advocacy, and the Bait Act had since occasioned a serious disturbance of those valuable privileges as well as being the source of many other misfortunes to our Island. If he were living on that Treaty Coast, having hungry children at home, and a French or English Naval officer dared to take his net from the water, then such an officer should have a wrestle with him for his life. Would it not be as well to take from him his life as to rob him of his bread? In some wild hour it shall and must be learned how much the wretched and hungry may dare! Thank Heaven, when 70,000,000 of a free-born democracy on this side of the Atlantic would [not?] allow a man to be shot down for the maintenance of his God-given rights, and in defence of his family! He would vote against Hon. Mr. Bond's amendments, as they were simply procrastinating—playing—with a measure which, in his judgment, should be dealt with at once. In conclusion he would support Mr. Murray's motion, that the Bill be read this day six months.

Mr. Thompson.—The Bill before the House at the present time was a very important one, and one on which every member who intended to vote should give his reasons for so doing. He had been partly in favour of the delegation going across last year on this French Shore question. He might say in explanation to some remarks made last evening by the hon. Colonial Secretary that the actions taken by some hon. members in voting for the temporary Bill were self-explanatory. Owing to the position we were placed in at the time by the delegates who were on the other side of the water, there was nothing left for us to do but to adopt the course of action that we had taken on that occasion. If we now pass this measure we would never have any redress for our grievances, and although Treaties exist between the Imperial Government and France which should be recognised, he did not think that we were called upon to pass a measure for their observance. If it was necessary that such Treaties should be carried out, the Imperial Government should pass that measure, which she had now sent out for acceptance by this Legislature. He did not see any reason why we should place the yoke upon our own necks, for in a matter like this the responsibility should rest on the right shoulders. It was well known that fishermen visiting the French Shore year by year did not enjoy a concurrent right of fishery with the French fishermen, and the British will take good care that those Treaties would be interpreted in favour of the subjects of France. From his own personal observation and from the authority of others, he knew that many of our fishermen who had gone down on the French Shore during the past few years had found several harbours unoccupied by Frenchmen, and being allowed to pursue their avocations undisturbed they had reaped a bountiful fishery. Matters would be entirely

different if this Act now before the House was placed on the Statute Book with a view to enforcing the Treaty obligations between England and France, for then additional hardship would accrue to the people of Newfoundland. He believed that if this Act was made law our people would not enjoy a concurrent right of fishery upon that coast, because the Treaties would be interpreted according to the views of the French, who were under the impression that the people of this Colony had no right to fish in the waters of the French Shore. The provisions of this Bill appeared to be very arbitrary, and as a native of this Colony he was not disposed to cast his vote in favour of such a measure. If the Imperial Government wanted their dirty work done, by all means let them do it themselves, and if those Treaties had to be observed let the British Government pass a Bill for that purpose. When this Legislature sanctioned the sending of a delegation for the purpose of inducing the British Government to withdraw the coercive measure then before the House of Lords, it was not contemplated that they would bring back a measure of the same nature for this Legislature to place on the Statute Book of this Colony. The idea was for the delegates to protest against that measure and to use their best endeavours to have the objectionable parts removed from it. The Bill that was before the House of Lords did not appear to be more objectionable than the present one; consequently he was not in a position to support it, but would vote for the amendment of the hon. Colonial Secretary. He did not think that anything could be lost by delaying the passage of this measure, for it could not be foreseen what may turn up before the expiry of the temporary Act. In view of these facts he considered it prudent to postpone the passage of this measure until some future time.

Mr. Woodford.—He agreed with the gentleman who had just sat down that this was a very important question, and it was incumbent on every hon. member who intended to vote to express an opinion one way or the other. He considered that a duty rested upon him to give an opinion of what he thought of the Bill now before the House. When the matter was engaging the attention of the Legislature last year, he was one of three or four who had taken an independent stand upon the matter, and at that time he expressed an opinion that it would be a useless expense to send a delegation across the water for the purpose of trying to bring about a more favourable condition of affairs. He was told on that occasion that he did not know what he was speaking about; that he was not acquainted with the Act of George III. That may have been the case, but in his opinion there were very few hon. members in this House, with the exception of the legal gentlemen, who were well up in the provisions of that particular statute. He was told that under that statute our fishermen would be slung up to the yardarm if they violated the terms of the Treaty, and that it was absolutely necessary for us to send a delegation to protest against its re-enactment. Since this discussion had taken place hon. members have asserted that the present Bill was even worse than the Statute of George III.; and if this was the case, why were we called upon to pass it, or consider it for one moment? He could not conceive the necessity for bringing such a Bill here which would be detrimental to the interest of the Colony, and which, if enacted, would place us in a worse position than heretofore. He would support the amendment introduced by the hon. member, Mr. Murray, because he considered if the matter were deferred until next year, it would mean another delegation to England. Notwithstanding the cost to the Colony and the futility of such a mission still it would be advocated, and then in all probability some gentleman upon it would be looking for a title in England instead of endeavouring to secure the object for which the delegation was sent. He thought we should exonerate the hon. Premier from any blame for having gone on the delegation, because no man in this House had less faith in the result than that hon. gentleman. He knew that for a fact and that the hon. Premier had been forced into it by the wish of the House. At that time the olive branch of peace had been held out by Mr. Morine, who contended that this should not be a party question, but that delegates should be appointed representing all shades of politics in this country. We accordingly appointed the delegates on those lines, and instructed them to appeal to the British people, and to use every influence to prevent that statute from being re-enacted. He could not, therefore, conceive why we should be asked to pass a measure ourselves which was far more obnoxious in its provisions than the one against which the delegates were sent to protest. This matter had been well ventilated by some of the ablest debaters in this House, but it was one on which every hon. member ought to express an opinion. This was not a mere trifling matter, but one which involved national complications, and as far as we were concerned it was a question as to whether or not we were going to give up our birthplace [birthright?]. He would like to read to the House one or two clauses of the correspondence—(here hon. member read the same). This would mean that if this Bill passed, the French nation would certainly demand that every Newfoundland fisherman

be drawn off the French Shore during the fishing season, and that every building should be removed. It had always been our contention since we were granted Responsible Government that we had a concurrent right of fishery on the French Shore, but if we passed this Bill it would mean the giving up a right which we had always maintained belonged to us. For the reasons that he had given he would vote against this Bill, and support the amendment of the hon. member, Mr. Murray.

Hon. Surveyor General.—He was sorry he could not agree with the hon. member, Mr. Woodford, in reference to the position which he had taken upon this question. He could not agree with him that it was our duty to support the amendment of the hon. member, Mr. Murray, on the ground that we would be getting rid of this question once and for ever. He thought that that would not follow by any means, and by the adoption of that amendment we would be left in no better position than we were at present, or before we made any pronouncement upon the Bill now before the Chair. It was a correct thing to say that every hon. member in the House should be prepared to give his reasons for voting, and with this end in view he rose for the purpose of explaining to the House his attitude towards this momentous question. It was not to be expected that hon. members who were not given to speaking very much could deal with a question of this sort in a manner it deserved, and he trusted that allowance would be made for him if he did not set forth his views as fully and effectively as he would like to do. He was not present when the delegates were absent on their mission, and when the correspondence was going on between them and the Legislature, being laid up with la grippe. When, however, he found out what had taken place, he had heartily endorsed the action of the Legislature. It was not now necessary for him to refer to the history of the delegation, for that was already fully recited and well known. After reading the correspondence and hearing the various speeches of hon. members, he had arrived at the conclusion that the delegates had no authority to conclude permanent arrangements without first submitting the same to this Legislature, and also that they had no power to recommend any legislation except by a majority vote of their body. These two positions had been fully proved by the speakers who had preceded him in this debate. It appeared to him that there were two questions which we were called upon to consider here to-night; the first one being whether any legislation whatever was necessary at the present time on this French Shore question. And the second: whether this permanent Bill now before the House embodies such legislation as would be for the future interests of this country? With regard to the latter, he would agree with those who have contended that it does not, and it was quite unnecessary for him to refer to the weighty reasons that have been adduced in support of this contention, and which are fresh in the memories of hon. members who have to record their votes on this question. In reply to the first question as to whether any legislation was necessary at the present time, he would say no. The *modus vivendi* now in operation would not expire until the end of 1893, and no interests could materially suffer in the meantime, and there was no reason why that arrangement could not be extended indefinitely, pending further negotiations for a final settlement. In his (S.-G.'s) opinion, we should endeavour to secure, through the Imperial Government, either the withdrawal of the French from the Treaty Shore altogether, or the definition, by arbitration or otherwise, of the respective rights of both nations under the Treaties. No satisfactory permanent Bill would be possible without such a definition as a basis. This he believed to be the kernel of the whole question. What would be the benefit of a court or judges, unless they were in a position to give a judicial decision? What would be the use of appointing either judges or commissioners if the Treaty laws were capable of as many translations as the opinions of the individuals who would be called upon to carry out the law? Under the Treaties, as at present, it would be just as well to have Naval officers carry out the law as judges or commissioners, if they had to abide by the instructions of the British Government. He thought that there was no necessity to carry the Bill this session, we had nothing to lose by postponing it and possibly something to gain. In the present condition of affairs in Europe changes may be made any day by which France would be willing to exchange her rights on the Newfoundland coast for territory elsewhere. Events might transpire that would induce an arbitration by which at least the rights of both parties would be defined. To pass a permanent Act, therefore, by which we would be bound to a defined course of action, and put ourselves in a position from which we could not withdraw, would, in his opinion, be suicidal. Besides, if we passed the Bill now, it would be equivalent to placing the yoke on our own shoulders. There was, he thought, a good deal of force in the remark that if even it were this country's fate to enter the Dominion of Canada, the chances for good terms would be considerably minimised by the fact of the Colony's bearing a self-imposed French Shore yoke. It would naturally be said

that the arrangement was of our own choosing, and we would have no one to blame but ourselves. If this Bill were not passed, and we did enter confederation, which some of us may hope to be far in the future, our own protest, joined to that of Canada, would probably have the effect of relieving our French Shore trouble. Under all the circumstances he, Hon. S.-G., thought he would be only doing his duty to vote for the amendment. He regretted exceedingly that he had to vote against the Premier, for whom he entertained the highest possible respect, and he respected him all the more that he had not made this Bill a Government measure; on the contrary, the Premier had left every member of his party free to vote as their consciences dictated, and for what they considered would conduce most to the best interests of the country.

Dr. Tait.—Before the vote was taken he desired to place upon record his views respecting the Bill now before the House. It had been stated that this was the most important measure of the session, and he agreed with that expression of opinion. His position upon the question was well understood to hon. members in the House. While some had contended that they had taken a consistent part throughout, he maintained that he had pursued the consistent course from the beginning. He might be said to occupy a unique position in this connexion, for he was about the only member in the House who opposed the thing from its very inception. When a delegation was first hinted at, he vigorously opposed such a proposal. He stood in his place in the House and to the best of his ability pointed out that no possible benefit would accrue to this Colony by sending a delegation. The cost to the country would be far in advance of any tangible benefit, and all their efforts to effect good would be futile and unavailing. His anticipations were fully realised, for it is now clear to every unprejudiced mind that the French Shore question was further off than ever from any final settlement. Nay, more, he believed that the position was worse than before, as the delegates, by their negotiations, had further complicated matters, and placed the difficulties in such a disadvantageous position as would take years of careful legislation to correct. When the proposal was first made to this Legislature to pass a temporary Bill, he (Dr. T.) had also opposed the measure, and on the 7th of May last, when the House met, and decided not to pass any Bill which would coerce in any way the people of this country, he both spoke and voted with the majority. And, again, three days after, when the House rescinded that decision and nearly all hon. members had changed their minds upon this matter, he, with four or five others, again had spoken and voted against it. The explanation why hon. members had changed their minds in such a short space of time was owing to certain telegrams which had been received from the delegates to the effect that a temporary measure must be passed, and in the event of that passing no permanent measure would be asked for from the Legislature. He still held the same opinions respecting this Coercion Bill, and he believed that if it were passed by the House it would prove a spectre ever rising up before the mind—a condemnation in the eyes of all patriotic Newfoundlanders, and they would regret the day it had ever been placed upon the Statute Book of the country.

Although he was not a native of the Colony, yet he had lived here for many years, and felt in duty bound to stand up for what he considered the rights of the people of the country. Some hon. members had regretted the position assumed by hon. the Premier in this matter, but he, Dr. Tait, admired him for the stand he had taken. He, hon. Premier, had deemed it his duty to introduce this Bill, but he did not make it a Government measure, thus leaving it to the private opinion of every member of his party to speak and vote as they desired. In this he had shown a liberal spirit, and he, Dr. Tait, respected him for the high ground he had taken. He had many reasons for opposing the Bill, and he would give some of them. First, he believed the delegates exceeded their duty in accepting any Bill at all, for, as he understood it, the delegates were only instructed by this House to proceed thither for the purpose of using every effort to abort the Bill then before the Imperial Parliament, and not, as they did, take steps at once towards negotiating a new measure. Second, it was understood that the delegates, besides conferring with the British Government, were to have gone to the Press and the people of Great Britain, and endeavoured to enlist their sympathies in the cause of Newfoundland. On the contrary, what did the delegates do after being a few days in England? They immediately proceeded to negotiate a Bill which was completely outside their province. Up to that time everything seemed to have worked harmoniously between the delegates, and it was only while the details of a permanent Bill were discussed, which none of the delegates had power from this Legislature to negotiate, that they began to differ. The hon. the Premier thinks that the courts referred to in the correspondence are the same as the Judicial Commission Courts which are to be appointed by Great Britain, while the majority of the delegates believe that these courts

should be constituted by this country—by resident judges of the country. This was the most important point in connexion with the Bill, and therein lay the stumbling block between the two sections of the delegates. No person denies the existence of the Treaties, or that the laws in connexion therewith should be carried out by some properly constituted authority; but it made a great deal of difference to the people of this country as to whether this authority should be composed of men appointed by this Colony or by Great Britain. These were some of the reasons why he felt bound to continue in the course he had never departed from, and why he would vote against the Bill. The delegates tell us that it was necessary to pass a temporary Act for one year, so as to give time for the details of the permanent Act to be worked out. They further tell us that it would “be necessary to agree upon the terms of that permanent legislation” before we leave the city, and extremely desirable to come to an agreement as speedily “as to make it possible to enact the measure in the local Legislature before the present session concludes, so that it should come into force at the beginning of next year. We represent all parties in the Legislature, and therefore a Bill agreed upon by and with us will be more satisfactory to the Colony, and be more likely to obtain acceptance than a measure arranged at any other time and with any other persons.” That was what the delegates asked for—that the “details of the Bill should be arranged as soon as possible so as to receive the approval of this Legislature that session”; but that was not done. Another proposal of the delegates was:—

“That compensation will be given to those persons, if any, whose property may be disturbed by the award of the arbitration,” and there was a telegram laid on the table of the House last year promising compensation, which was strongly instrumental in changing the minds of hon. members towards passing the temporary Act at that time. When the Legislature was asked to pass a temporary Act last session, some hon. members refused to do so, because it was repulsive to them, as there was a permanent Act to follow. But when a telegram was received from the delegates saying that there was no danger, that they would not be asked to pass a permanent measure, as all the British Government required was the adoption by us of a temporary Bill for one year only, then the party gave way, and the assent of this Legislature was given upon these considerations. Compensation also was promised to all those persons whose property might be disturbed by the award of the arbitration, but there was no such principle found in the Bill now before the House. Then the letter of the delegates went on as follows:—

“Her Majesty’s Government have already recognised the principle of recompensing the owners of lobster factories, by ordering the appointment of a commission to investigate into their losses under the original *modus vivendi*; and the same principle would, of course, be applicable to those who suffered as the result of the present *modus vivendi* or of the award. The recognition of the principle in the latter case would be very acceptable in the Colony.”

Twice in the same letter reference had been made to this compensation business, and the Legislature was led to believe that such a principle would be embodied in the permanent Act, but it was not. He had shown as clearly as he could that as soon as the delegates arrived in London they commenced to negotiate the terms of an Act providing for the establishment of courts to carry into effect the Treaty regulations, but those were to be local and not Imperial courts as were provided for in this Bill. These courts asked for by the delegates were to be presided over by local, not Imperial judges, and the meanest subject living on the Treaty coast who considered himself aggrieved could bring the matter before the highest tribunal in the Island—the Supreme Court of Newfoundland—and had also the privilege of appealing to the Privy Council, but there was no such provision in this Bill. There were other harsh clauses in the Bill that it would take him too long to refer to. He would now say a few words about the Treaties themselves. When the Treaty of Versailles was concluded in 1783, it confirmed the previous Treaties regarding Newfoundland, and to a slight extent altered the coast line by exchanging one portion for another, and to that Treaty was attached the solemn Declarations of the Kings of England and France. The Treaty of Paris was signed in 1814, which placed affairs between England and France in the same condition as they had been in 1792, but the Coercion Act that had been in force previous to the Act of George IV. was lost sight of. He referred to the Act of 1788, and he would call the attention of the House to it, as it was the first Coercion Act ever passed against the Colony. It was not the Act that the delegates went to protest against last year. It ran thus:—

Section I.—“It shall be lawful for His Majesty, his heirs and successors, by advice of Council from time to time to give such orders and instructions to the Governor of

“ Newfoundland, or to any officer or officers on that station, as he or they shall
 “ deem proper and necessary to fulfil the purposes of the definitive Treaty and Declara-
 “ tion aforesaid; and if it shall be necessary to that end, to give orders and instructions
 “ to the Governor, or other officer or officers, to remove, or cause to be removed, any
 “ stages, flakes, train vats, or other works whatever, for the purpose of carrying on the
 “ fishery, erected by His Majesty’s subjects on that part of the coast of Newfoundland
 “ which lies between Cape St. John passing to the north, and descending by the western
 “ coast of the said Island to the place called Cape Rage, and also all ships, vessels, and
 “ boats belonging to His Majesty’s subjects which shall be found within the limits
 “ aforesaid; and also, in case of refusal to depart from within the limits aforesaid, to
 “ compel any of His Majesty’s subjects to depart from thence, any law, custom, or usage
 “ to the contrary notwithstanding.”

That Act was passed in the year 1788, five years after the Treaty of Versailles, and was the first coercion measure ever placed against the Colony. It was a strange thing that for a great number of years—75, he believed—before that time, it had not been found necessary to have any Act to carry out the Treaties, because the English and French lived at peace with each other, and it was only when quarrels arose that the British Government had to enact this measure to provide for the enforcing of the Treaty regulations. He would now call attention to the Act, George IV., or Coercion Act, so-called, the second of its kind, and which was passed in 1824. Hon. members would find that it followed very closely the first Coercion Act of 1788, and ran as follows:—

“ It shall and may be lawful for His Majesty, his heirs and successors, by advice of
 “ his or their Council, from time to time to give such orders and instructions to the
 “ Governor of Newfoundland, or to any officer or officers on that station, as he or they
 “ shall deem proper or necessary to fulfil the purposes of any Treaty or Treaties now in
 “ force between His Majesty and any foreign State or Power; and *in case it shall be*
 “ *necessary* to that end, to give orders and instructions to the Governor or other
 “ officer or officers aforesaid, to remove or cause to be removed any stages, flakes, &c.”

The Act did not say that “*it shall be necessary*” but “*in case it shall be necessary*,” they were to cause to be removed all stages, flakes, &c.; and the most thing they could do in the case of a refusal was to fine the person offending 50*l.* sterling, while in the first Coercion Act the fine was 200*l.* With few exceptions the two Acts he had mentioned were almost identical—the latter but slightly more stringent than the former. Now the British Government wished to place a third Coercion Act against Newfoundland which was worse than either of the other two, and it would seem that the further they legislated in this direction the more severe they became, so that in a short time the people would be legislated and coerced out of the country altogether. The first and second Acts said, “*if it was necessary*, the Governor or other officer or officers shall have power to do certain things, and also make provision for enabling the people on the Treaty Shore to have the case tried before the Supreme Court of Newfoundland, with the right of appeal to the Privy Council afterwards”; but this third Coercion Act said, That these judicial officers might order the thing to be done, might say, lay hold of that fellow, bring him before the Judicial Court, fine him, confiscate his vessel and other fishing apparatus, punish him by imprisonment, and, in fact, do what they liked with the unfortunate fisherman. And if the arbitration on the lobster question was adverse to us, the Judicial Commissioners might prohibit the taking or canning of any lobsters on the French Shore. That provision was not in the other two Acts, but it was in this one, showing that it was the worst of the three. The lobster canning industry must be stopped, and Mr. Baird, who was in the House to-night, must not establish any more factories on that coast, or he would be subject to fine, imprisonment, and confiscation of his gear. Bad as the 1788 Act was, bad as the 1824 Act was, there was some show of fair play, and a certain amount of British justice in them; but he found no British justice in this Act, and nothing but the quintessence of coercion, and all applied against our own people, and were hon. members of this House going to cast their votes in favour of such an Act? Never! As he had said before, he had taken a consistent view of this question from the very first, and if he spoke warmly it was because his feelings were strong upon the matter, and he was not afraid to express his sentiments, nor did he believe that any hon. member of the House would find fault with him for so doing. The hon. the Premier had, in the largeness of his mind, not made it a Government question, and therefore he, Dr. T., felt it his duty to express his views before the matter went to a vote. He had much pleasure in supporting the amendment of the hon. the Colonial Secretary.

Mr. Whiteley.—After the very powerful and lucid speech of the hon. and learned Doctor, it would be needless for him to enter into any lengthy explanation of the circumstances which induced the British Government to ask the Legislature to pass the Bill before him. They were asked to pass the second reading of “a Bill to provide for carrying into effect Her Majesty’s engagements with France.” What had Newfoundland got to do with Her Majesty’s engagements with France, and why should this House be called on to pass a Bill to carry out those engagements? It was true that Newfoundland sent delegates to England last year in connexion with this matter, but if she did, the Legislature guarded themselves well, and he did not think that there was ever a delegation left the country with instructions more explicit and binding than those of the French Shore delegation last year. What were those instructions? They amounted to this, “Take no step in the matter without reporting to this House; for nothing you may do will be of any value without the assent of this Legislature.” Those were the conditions on which the delegates went to England, and not many days passed after the arrival there before the Legislature was called on to decide whether the delegates had kept within their instructions or not, and the decision was that they had not done so; but further telegrams were received from them which threw a new light on what they had done. They were told in one of those telegrams that there was not the slightest danger in passing a temporary Act, because the British Government would never accept it, and as there was a great deal of friction on the matter the members of the Assembly were requested to hold a conference with the Upper House. They attended that conference, and were provided with seats in the Upper Chamber, but were informed that they were to keep their mouths shut and take no part in the discussion which ensued. They sat there during the conference, returned to this Chamber and still stood firm in their resolution not to do what the delegates asked, until other circumstances subsequently induced them to do as the delegates recommended, and pass the temporary Act.

But now they were called upon to pass the second reading of a permanent Act to carry out the Treaty arrangements on the French Shore. It was a well-known fact that those Treaties had existed for a long time, but had hon. members of this House looked up the records and considered how long they were in existence, and what wonderful changes had taken place in the world since those Treaties were concluded? Look at the changes that had taken place in France herself since those Treaties were made! When they were made France was under the control of an absolute monarchy, and since that time there had been two revolutions, two empires, three republics, and several constitutional monarchies. England stood in the same position as to Government that she did 130 years ago; but our English laws of to-day were not the same as they were when those Treaties were made. Many changes had taken place, Reform Bills passed, and a number of abuses swept away in Great Britain since then, but Newfoundland must stand by those absolute Treaties, no matter what happened, and hon. members had been told during the course of this debate that settlers came to this Island with the full knowledge that the Treaties existed, and if, knowing this, they chose to settle down here, they would only have to take the consequences. He would remind the House that if settlers came here they followed the flag, and wherever the British flag was carried it brought with it the privileges of citizenship, and those that were born beneath its folds, whether in Newfoundland, Australia, or elsewhere, were just as much British subjects as if they were born in the city of London. That was what brought settlers to this Colony; they relied on the protection of the British flag, and was that to be denied them? This Bill contained one very glaring defect, and that was that there was not the slightest provision made for compensation to those persons who might suffer from the enforcement of the law. The Bill was so obnoxious that a man would require to have a greater control of the English language than he had, to pass upon it the verdict which it merited. A few Canadian fishermen go into Behring Sea, under the protection of the British flag, and come in contact with the Americans who had privileges there. The British Government say to them: “You must come out, you have no right there;” but they gave the fishermen compensation by paying them for their losses, and why, he would ask, were the people of Newfoundland to be refused compensation for what they might suffer on account of the enforcement of the Treaties or the award of the arbitration? He knew it was the fashion to pass Bills without providing compensation for those who might be injured by them. The Bait Act was an instance of this, but he hoped the House would not follow up this unjust precedent in the present case. It was not necessary for him to multiply words on this question, but he held very strong opinions with regard to it, and he had reason for so doing, for there was no hon. member in the House who had such a long connexion with the French Shore as he had. He knew

what the people prosecuting the fishery there had gone through in former days, and would say here that if such an Act as the one before the House was passed, the French Shore would soon be depopulated. He would vote against the second reading of this Bill, and, quoting the words of a great British statesman—spoken on a similar question to the one now before the Chair—"If I were a Newfoundlander born, as I am English born, I would *never*, NEVER, NEVER vote for such a Bill, while a Frenchman trod my native soil."

The *Hon. the Premier* presumed that every hon. member who intended to speak upon the subject under discussion had now done so, and it was his privilege to reply to the objections which had been taken. In doing this he would be as concise as possible. This French Treaty question had always been a rankling sore with the people of this country; and it was quite sufficient to use the phrase "French Shore" to arouse a popular clamour. Such had been got up at this time; and it was all very smooth and pleasant for hon. members to be applauded by the gallery when they denounced what they were pleased, absurdly, to call a "Coercion" Bill. When the wind is fair, and the sea is smooth, sailing is pleasant; but it is different when the sea is rough and the wind adverse, as appeared the case with him (the Premier) at the present moment. Legislators were *supposed* at all times to be calm and to be guided by reason and common sense, and not to be twisted and turned by every popular cry. They were supposed to act judiciously, prudently, and with foresight, and to legislate with calm judgment for the best interests of the people. It was not pleasant for him (the Premier) to oppose this so-called popular cry, and it would be much more agreeable for him to go along with the current if he could conscientiously do so; but if he stood alone he would pursue the course he was now taking—when he knew that he was right and that they were wrong, as in this instance; and that opponents to this Bill were doing what would be found a serious injury to this country in the future, and putting upon it the stamp of dishonour and disloyalty. The first objection taken by the hon. member for Bonavista, Mr. Morine, was that the principle of this Bill was different from the principle of the Bill agreed upon when Mr. Monroe left London. Now, what were the facts? The principle of the Bill asked for by the delegates was, in their own language, as follows: they asked Her Majesty's Government to "give assurance that the terms of a permanent Bill to be passed by the Colonial Legislature based on the principle of the establishment of courts under judges or magistrates for the adjudication of questions arising under the Treaties," &c., should be *immediately* arranged with the delegates then in London. The delegates earnestly requested that this might be done "as soon as possible," stating that they represented every shade of political opinion; and they left no doubt with the Imperial Government but that it would be passed in this Legislature; and they stated that they wanted it passed in the then session of our Legislature (1891), to be substituted by the temporary Act providing for the execution of the Treaties by the Naval Officers. The delegates wound up by saying that *they are now ready to perform their part*, and they press upon Her Majesty's Government to perform theirs. Her Majesty's Government accepted the proposition. Here, then, is the principle of the Bill—"the establishment of courts"—and that is the only principle which was agreed upon between Her Majesty's Government and the delegates; and that is the principle of this Bill. Upon that principle I drafted a Bill providing for the judges of the court to be appointed by the Local Government, and for an appeal to the Supreme Court of this Colony and thence to the Privy Council, and we (the delegates) submitted and discussed that draft at three meetings on three consecutive days with Mr. Bramston and Sir Thomas Sanderson, who were appointed by Her Majesty's Government to meet us; and if it is considered that the question of what Government was to appoint the judges, and to whom the appeal was to be made, is a principle of the Bill, then he (the Premier) would tell the hon. member, Mr. Morine, that Mr. Monroe could not truthfully assert that this was admitted before he left London; for Lord Knutsford had distinctly stated to the delegates (Mr. Monroe being present), and which Mr. Monroe had entered in his diary—and this not four hours before he left London—that Her Majesty's Government would not consent to the appointment of judges by the Local Government. It was untrue, therefore, to allege that it had been agreed upon before Mr. Monroe left. The fact being that nothing was agreed upon before Mr. Monroe left, except the principle that a Bill for the creation of courts should be arranged and nothing else; nor, in fact, had anything been agreed upon, nor any arrangement made, nor any refusal to arrange until after the Speaker, Mr. Emerson, had left—that is the 22nd June. And he left it for the House to say whether these gentlemen had fulfilled their promise to arrange a Bill before they left London—"before they left the city"—which Bill all the delegates had said in their correspondence they could not conceive it possible would not be arranged

by them and Her Majesty's Government; and, since telegrams had been quoted, he (the Premier) would quote from a telegram sent by the delegates to Mr. Bond, May 6th, wherein they said, "We propose Imperial Government pay expenses of courts suggested." Surely, if the Imperial Government paid the judges, it could not have been supposed that the Local Government should appoint them; and it was, he (the Premier) did not doubt, taken for granted that the Imperial Government would appoint the judges. Again, Mr. Monroe, in a telegram to Mr. Morine, on the 28th of May, says, "Don't fear our agreeing permanent legislation." This was sent immediately after Her Majesty's Government had assented to the delegates' proposals for a *permanent Bill to create courts*. This telegram may be construed in two ways: One, that Mr. Monroe would certainly agree; and if this is the true construction, why did he not remain and try to agree? and the other way, that Mr. Morine need not fear but that Mr. Monroe would never agree to such legislation; and Mr. Monroe leaving without trying to agree would confirm the latter construction. It was untrue, therefore, to allege that he (the Premier) and Mr. Harvey had altered anything that had been agreed upon before Mr. Monroe and Mr. Emerson had left, because nothing had been agreed upon before they left. The fact being that he (the Premier) and Mr. Harvey had remained, pursuant to their promise; they had discharged their obligations as well to the Legislature as to Her Majesty's Government, and had procured the best Bill they could. The hon. member for Bonavista had alleged that all the delegates were bound by the action of a majority of them, and because Messrs. Monroe, Morine, and Emerson had reported against the passing of this Bill therefore he (the Premier) and Mr. Harvey were bound. He (the Premier) did not so construe the resolution, which is as follows:—

"Resolved,—That when a majority of the delegates agree to any basis of arrangement and settlement, the delegation shall recommend it to the Legislature; and that each member of the delegation shall be bound by the decision of a majority of the delegation, and pledged to use his best efforts to procure adoption afterwards by the Legislature of any arrangement made by the delegation—all of which is respectfully submitted."

Mr. Morine had left London on the 12th May, but before he had left a "basis of arrangement" had been arrived at, *i.e.*, "a Bill for the creation of courts." This basis a majority had not recommended to the Legislature, or used their "best efforts to procure its adoption by the Legislature." The three—Messrs. Monroe, Emerson, and Morine—had done nothing of the sort. Again, was it because Mr. Monroe and Mr. Emerson had not fulfilled their promises to arrange a permanent Bill for the establishment of courts, but had gone away after making a proposal, that he (the Premier) and Mr. Harvey were to be dishonourable and come away also? If the other delegates had all left, he (the Premier) should have considered that he was bound to remain and fulfil his promise and endeavour to arrange the best Bill that he could upon the principle laid down, and to report that Bill to the House, using "his best efforts to procure its adoption;" otherwise he might justly be charged with a breach of promise to Her Majesty's Government on the one hand, and to this Legislature upon the other. After the other delegates had left, he (the Premier) and Mr. Harvey constituted the delegation; he (the Premier) had no power to compel them to remain. Again, it had been contended that the authority of the delegates only extended to their protesting against the Bill then before the British Parliament, and to propose nothing in substitution. He (the Premier) had dealt fully with this objection yesterday. It would have been an idle and idiotic proceeding for the delegates to have simply protested against that Bill, and when asked what they proposed as a substitute (for we all admitted that the Treaties must be executed in some way), to say, "we propose nothing, only don't pass that Bill." Anything more puerile could hardly be conceived; but he (the Premier) had shown that the address of the Legislature had clearly indicated what the delegates were to propose as a substitute; that is, a Bill for the establishment of courts. Then objection is taken to the name, "Judicial Commissioners." Why, the delegates had asked for the appointment of "judicial officers;" and it is provided in the Bill that the "Judicial Commissioners" shall be "judges" of the court to be created. Here we had the very designation, "judges," which hon. members had now argued should be used. It seemed to him that hon. members were feeling hard pressed to discover objections to the Bill—in fact, for something to say. They wanted to get the immediate applause from the gallery, and to do so must make a noise. Then it was asserted by the hon. member for Bonavista, Mr. Morine, and others, that "musty lawyers from Downing Street," "Downing Street hacks," "fourth and fifth-rate lawyers," and so on, would be sent out as

“Judicial Commissioners,” who would disregard the interests of the fishermen of the Colony and adjudicate according to their instructions from Downing Street. He (the Premier) had yet to learn that a British Government would appoint a British judge to carry out its orders and not administer the law, and would dismiss him if he did not carry out the behests of the Government. The judges, when appointed, discharged their duties under the sanctity of an oath; and he (the Premier) felt sorry to hear the observations which had been made by Mr. Morine. But why, if hon. members are so fearful that the judges appointed by the British Government would be partial in their decisions, are they not afraid that judges appointed by the local Government would be partial in their decisions in favour of the other side? Is it likely that the Government of England would appoint partial judges and the Government of this Colony appoint impartial men? May not the Imperial Government fairly say, “You are all so deeply interested that it would be hard to get a man impartial.” Besides, is it not an Imperial Treaty that is to be carried out? and did not all our friends in the British Parliament concur in the view that the court was to be an “Imperial Court?” He (the Premier) thought it a great concession when Lord Knutsford had said that if a third judge was needed the Colony might appoint him, subject to the approval of Her Majesty’s Government. Why did hon. members desire that the judges should be appointed by the local Government? Was it because they thought such judges would be partial in favour of the Colony?—would disregard their oath of office—a compliment, certainly, to the local bar of Newfoundland; or was it that the hon. member for Bonavista, who, he heard, was seeking admission to the bar, wanted a judgeship on the Treaty Coast; and perhaps there may be others in the same line? Then we had an objection to passing this Bill because it was stated that the question would then be settled, and we should have no cause hereafter to complain. Did we not desire it settled? He (the Premier) certainly desired harmony and peace. It was a good thing, some hon. members had said, to keep the sore open so that we may have something to grumble about. These hon. members reminded him (the Premier) of naughty little sulky boys, who wanted something, and when it is offered to them turn their faces to the wall, and, kicking the skirting board, say they won’t have it. If they wanted to grumble, why did they send delegates to London? They could have grumbled and protested and all that sort of thing, and saved all the expense of the delegation and not stultified themselves, and brought discredit upon the Colony. Then it had been argued by the hon. member for Bonavista that no person could appeal for redress to the Judicial Commissioners except through the Naval Officer. He (the Premier) must take issue with him upon this. The words of the Act were clear upon this point. Anyone aggrieved might appeal to this court; but neither the Naval Officer nor any other person could do anything in the execution of the Treaties except under previous adjudication by the court. It was stated also by some hon. member that the jurisdiction of our Supreme Court was interfered with. Why, the Bill expressly provides to the contrary, and it was urged that there should have been an intermediary appeal to the Supreme Court, where, it was said, we could be adjudged by our own law. He (the Premier) did not understand what was meant by this. What laws have we relative to these Treaties to be judged by? None that he was aware of. He (the Premier) believed that he had disposed of all the objections which had really been taken to the details of the Bill, but at this time we were only discussing, at the second reading, the principle of the Bill, and that is the principle of the *creation or establishment of a court to intervene between the Naval Officer and the subject*. This is what the delegates had prayed for and promised to sustain; and in his (the Premier’s) opinion, they and the Legislature would place themselves in a contemptible position if they did not do so. Some hon. members had talked about upholding the dignity of the Colony by not putting upon their Statute Book such an Act as this. In his (the Premier’s) opinion they would be upholding the dignity of the Colony by honourably, as loyal British subjects, co-operating with Her Majesty’s Government to fulfil honourable engagements, and not shirking their responsibility. In one breath they were claiming—as possessing Constitutional Government—the right to legislate in this matter and promising to do so, and immediately afterwards, in the next breath, repudiating those promises and telling the British Government to legislate. The hon. member for Bonavista, Mr. Morine, says he would hold up both hands with joy to see the old Act of George III. re-enacted, or the Bill which was before the British Parliament carried, rather than that this Bill should be carried by this Legislature. Then, what had all the late agitation been about? What were all the bands and flag-demonstrations about in the early part of the year 1890, when banners were displayed with mottoes, “Down with the French!” “The French must go!” and the like—when exasperated, disappointed politicians were giving expression to their disappointment in howls against the French. No man of

common sense, certainly, looked upon the demonstration as availing anything but to enhance the value of the Treaty rights which France has in the eyes of the French. The hon. member, Mr. Morine, wants to keep the sore open until after the elections in England, when he hopes Mr. Gladstone's party will be returned to power, and that he will make concessions in Egypt in return for the French to give up their rights upon this coast. It is hardly worth while to discuss this, but he may observe generally that if Mr. Gladstone came into power to-morrow, it is very unlikely he would change Lord Salisbury's foreign policy; that Mr. Gladstone's Colonial policy has not been, as a rule, very favourable to the Colonies—although he hoped it had changed of late—but that it was highly improbable that the large body of holders of Egyptian stocks and bonds, and a variety of other British interests, would be set at naught for the removal of a few French fishermen from our coast. The hon. member, Mr. Morine, then accuses him (the Premier) and Mr. Harvey of advocating this Bill from interested motives, as Mr. Harvey wanted to be appointed as arbitrator upon the Lobster Arbitration, and he (the Premier) wanted to go there as counsel for the Island. This was rather amusing in face of the fact that the delegates, when in London, had passed the following resolution:—

“Resolved,—That, under the present circumstances, and in view of the present position of the French Shore question, it is desirable, in the opinion of the delegates, that the Colony should be represented on the arbitration of the lobster question by an arbitrator from the Colony, provided that Sir W. V. Whiteway, or some other person of high professional standing at the bar of Newfoundland, be appointed by the Colony.”

This resolution will be found in the minutes of the proceedings of the delegates, and although the Government and not the delegates would nominate the arbitrator, still he (the Premier) thanked the delegates for their confidence; and he could not see how, under these circumstances, Mr. Harvey, who had voted for this resolution, could desire the appointment for himself. The fact was this: that the now opponents to this Bill felt that they had no arguments against it, and the hon. member, Mr. Morine, resorted to personal attacks on him (the Premier) and Mr. Harvey such as this, and the attack made upon him (the Premier) in the hon. member's paper, the “Evening Herald,” a few days ago. The hon. member, Mr. Morine, had next said that no compensation was provided for in the Bill for those who suffered damages by interference with their prosecution of the lobster fishery. In response to that allegation he would refer the hon. member to a despatch of the Colonial Office to the delegates, which he would find on page 16, under date of May 4th, and containing the following assurance: “They (Her Majesty's Government) will also carefully consider the question whether compensation should properly be given to those persons whose property may be disturbed by the award of the arbitrators, although they see no ground for admitting any liability on the part of the Imperial Government to pay such compensation.” Regarding further proof of the matter, he would call attention to the letter of the delegates, dated May 27, in which they say: “Relying upon the assurances contained in your previous correspondence with us, especially with reference to the limitation of the present arbitration on the lobster question, and compensation to be made under the *modus vivendi*, we are of opinion that the Newfoundland Legislature will accede to our propositions made herein.” So the assurance was considered by the delegates as ample; and, moreover, the question of arbitration would hardly be found in a Bill for the establishment of courts. This was a little something to catch the ear of the gallery. As to this matter of compensation, he believed that the action of those in this Colony who had endeavoured to embarrass Her Majesty's Government respecting the French Treaty question, had prevented the claims from being inquired into and compensation afforded. He (the Premier) had good ground for arriving at this conclusion. Much injury had been done to the Colony by the unwise course which had been taken in those demonstrations and the like. The hon. member, Mr. Morine, says that he agreed that the Legislature of this Colony should pass the temporary Act in 1890, only to stop the passage of the Bill then before the British Parliament—that Bill which he says he now would throw up his hands to see passed. Does the hon. member really mean to say that when he, with the other delegates, agreed to arrange and pass a Bill for the creation of courts he had no idea of doing so? It seems as though such was the case from what he now says and what has since occurred. He (the Premier) believed that he had replied to all the objections which had been taken by the hon. member for Bonavista, which had been re-echoed by those who had followed him. There were, however, one or two points which had been taken by the hon. the Colonial Secretary, to which he

wished to refer. The Colonial Secretary had quoted telegrams dated 6th and 7th May and part of a telegram dated 8th May; but he had omitted to quote the whole of that telegram. He (the Premier) had requested the Colonial Secretary to furnish him with a copy of this telegram of the 8th May, and he had done so. It was as follows:

London, May 8th, 1891.

To Pitts, St. John's,—

Use carefully. Just received despatch from Knutsford, positively declining accept anything but permanent Bill; therefore no danger now from approving our proposals. Such approval will secure support public and Liberal Party. *Suggest Council not agree resolutions Assembly, but request conference both Houses and conference adopt resolutions approving proposals; or, as last resort, deferring final decision till some delegates, leaving 12th, arrive home. Persistent Assembly's refusal sheer madness. Delegates unanimously approve. Show Bond. Tell Harvey, LeMessurier, careful not telegraph anything adverse our proposals. We strongly urge our personal friends stand by us for Colony's sake. Explanations ample.*

DELEGATES.

This telegram, although signed "Delegates," had not been submitted to or sent by the delegates to Mr. Pitts. The delegates had never sent a telegram to Mr. Pitts. He (the Premier) was aware of the suggestion which Messrs. Monroe and Morine proposed to make to Mr. Pitts in the Legislative Council, and concurred in the desirability of urging the adoption of those suggestions; but as to the first part of the telegram and the latter part, he (the Premier) had no knowledge. He (the Premier) had also inquired from the Hon. A. W. Harvey if he recollected anything of these first and latter parts, and he had no recollection of them whatsoever. The purport of the telegram itself would confirm this, for it would hardly be conceived that he (the Premier) would be a party to sending a message to Mr. Pitts, a political opponent, to "use carefully," or to tell the Reverend Mr. Harvey and Mr. LeMessurier, two other political opponents, to do or not to do anything. It bore absurdity upon its face. As to the suggestions, viz., "Suggest Council not agree resolution of Assembly, but request conference adopt resolution approving proposals, or, as last resort, deferring final decision till some delegates, leaving 12th, arrive home; persistent Assembly refusal sheer madness; delegates unanimously approve"—the delegates did send the message which Mr. Bond has quoted, urging the adoption of these suggestions. On the 7th of May the delegates received this message:—

"Acting Speaker, to Delegates, 7th May,—

"House passed following: Unanimously resolved that, owing to the insufficiency of information contained in message received by Legislature, this House cannot intelligently discuss the question now before it; resolved, that further consideration of this question be deferred until such further information be obtained; resolved that Colonial Secretary put himself in communication with the delegates of this Legislature with a view of obtaining such further information."

After all this, and the further information which was asked for, had been furnished to the Legislature, the Acting Speaker of this House cabled on the 10th May to the delegates as follows:—

"Acting Speaker to Newfoundland Delegates, May 10, 1891,—

"Legislature passed following to-day:—Whereas this House did on the sixth instant pass certain resolutions relative to proposals submitted to the Legislature of this Colony by the delegates appointed by it, to express to the British Parliament and people this Colony's objections to the Bill proposed to be enacted by the Imperial Parliament for the purpose of carrying into effect engagements with France respecting fisheries in Newfoundland; and whereas since passing of the same the said delegates have furnished that fuller information which this House expressed its desire for by a resolution adopted and transmitted the said delegates on the seventh instant; and whereas it now appears to this House that the proposals made to the Imperial Government and Parliament by the said delegates without the approval of this Legislature, embodied the only terms that would likely meet with the approval of the British Parliament, and thus prevent more objectionable legislation;—Resolved, that this House will adopt such legislation as may be necessary to carry into effect the proposals made to the Imperial Government and Parliament by the said delegates."

That last telegram was a conclusive endorsement of all the acts of the delegates by the Legislature, and now to repudiate seemed to him a course of action which would

reflect only great discredit upon the Legislature; and how hon. members can reconcile their present position with their past actions he was at a loss to know. Then the Colonial Secretary had stated that no Frenchman who committed a wrong upon a British fisherman could be brought before this Court. Where did he find this? There is no exemption of any man of any nationality in the Bill. Then he had told us a long story about a Mr. Shearer, and what he had stated. Well, if this Bill and Court had been in existence, Mr. Shearer would have had a court to which he might have appealed for redress. Again, we had a supposititious case of a man being arrested at White Bay, and taken to St. George's Bay to be tried. This could not occur, as it is proposed to have the judge on board the man-of-war, and there would be no delay in the administering justice. The Colonial Secretary had said that we had some of the most distinguished men in Parliament in our favour. This was quite true when they saw that we were acting as rational men, objecting to the Treaties being executed by Naval Officers, but agreeing that such should be done by a judicial tribunal; but he (the Premier) did not believe there was one who had espoused their cause before would uphold them in rejecting this Bill, and so breaking our pledges. The Colonial Secretary had insisted that the delegates ought not to have negotiated with Her Majesty's Government at all, but should have gone direct to the Houses of Parliament. This was a singular proposition. If the Legislature wished the delegates to accomplish anything, he (the Premier) presumed that they should go to the Government of the day. He (the Premier) had certainly heard some ridiculous idea of someone going to stump England last year before the delegates left. He (the Premier) believed that he had either yesterday or to-night dealt with all the objections which had been raised as concisely as he could. He had purposed referring to a number of telegrams which had passed to and from the delegates and others, but the hour was late, and he would only add that, although he had yesterday alluded to the favourable manner in which his (the Premier's) application for the guarantee of a loan for the development of this Colony had been entertained by Her Majesty's Government, and that a vote had been passed in the Imperial Parliament of 2,000*l.* to defray the expense of a preliminary inquiry, showing that Her Majesty's Government was in earnest, and that this favourable view taken by Her Majesty's Government was coupled with a condition that there should be a co-operation between Her Majesty's Government and the Government of this Colony to fairly carry out the French Treaties, and he (the Premier) did not consider this condition unreasonable, for under any circumstances we were bound to carry out the Treaties; yet he had said that this Bill should stand upon its own merits, but if it was negatived, he (the Premier) was quite prepared to see the guarantee refused, and such he viewed as a calamity. He (the Premier) had laboured for years to get means to develop our resources, and to procure the aid of Her Majesty's Government to that end. It now seemed attained, and was going to be thrown away. The Colonial Secretary had said, "If ten millions of dollars was to be the price of our liberty, then away with the money." This was very high-sounding, but he (the Premier) would like to know what liberty was being sold by passing an Act to establish a Court wherein those who may be aggrieved could obtain redress; and the Colonial Secretary had wound up by calling upon the House to carry out the desire of the people, for the voice of the people was the voice of God—*vox populi, vox Dei!* This was all very high-sounding, but people often made for themselves false gods. There were many worshippers of Mammon. It was unwise to listen to a cry and obey it without ascertaining whether it had a solid foundation and was based upon truth. It may be that those who cried "Hosannah!" to-day might cry "Crucify him!" to-morrow. Hon. members would act more wisely by the exercise of common sense and reason. The Colonial Secretary had proposed certain resolutions to the effect that this Legislature would extend the Act for two years, which was passed last session and which would expire at the end of 1893. This was a most extraordinary proposal: First to send delegates to England to stop the passing of the Act, which was viewed as obnoxious and called a "Coercion Act," then to agree to pass that Act to meet immediate difficulties, providing that an Act to create courts was immediately passed, to be substituted for the other; then to refuse to pass the Courts Act and to agree to pass the so-called "Coercion Act," to exist for certain until the end of 1895. This was a singular proceeding and incomprehensible to him (the Premier); but he (the Premier) would remind the Colonial Secretary that the British Government were determined to proceed with the Lobster Arbitration at once, and they could not do so until a permanent Bill was passed; and if this Bill was not passed, then he had no doubt the British Parliament would pass the Bill which was before it last session. He (the Premier) would now say, in conclusion, that of course he saw that there was a determined opposition to the measure in the House. Only one member besides himself—that was Mr. Webber—had

spoken in favour of it. He (the Premier) had three times refused to go upon that delegation last year, and it was at the most earnest solicitation of hon. members that he had at last consented to go; and now he was about to see this House repudiate its sacred promises, and bring discredit and dishonour upon itself and upon the Colony. The delegates had evoked sympathy from the British Parliament, Press, and public. This, he feared, would now be changed into contempt. As he (the Premier) saw that there was so large a majority opposed to the Bill, he would ask leave to withdraw it.

Hon. the Speaker.—The Bill cannot be withdrawn without the unanimous consent of the House.

Mr. Morine.—He would not give his consent for the withdrawal of the Bill. The Premier had chosen his own course, and the Bill should stand or fall by the result. It would be unnecessary to follow the Premier through his lengthened speech, but there were one or two points which should be referred to. The Premier said that if the Bill were not passed the honour of the Colony would be discredited in the eyes of the Imperial Government and of the British public. This was not true, as had been said again and again, for the Legislature was not bound by its resolutions to accept any Bill from the Imperial Government, and the present one had not even been approved of by a majority of the delegates. He would show from the speech of Lord Salisbury delivered in the House of Lords on May 27th, 1891, that the Newfoundland Legislature was not expected to pass a permanent Bill until the end of 1893. Here was the quotation from his Lordship's speech delivered on that occasion:—"The Colonial Legislature is at present in the position of having bound itself absolutely to the *modus vivendi*, as I understand, until the arbitration shall take place, and after the arbitration has taken place has bound itself to the execution of the award up to the end of 1893." It had also been stated that the old Act of George III. would be re-enacted at once if we did not pass this Bill. This was also untrue, for the British Government would not be called upon to pass any Act until we refused to pass a permanent one after the end of next year. The Premier had stated that if this Bill were passed, we would be likely to get compensation for damages done to the property of the fishermen of the Treaty Shore. We had no assurance that this would be the case beyond a letter from Lord Salisbury, in which he said that the matter would be considered. We had experience enough of what might be expected in this matter already in the case of Mr. James Baird, who, though sustained by the judgment of the Supreme Court of the Island and the Lord Chancellor of England, had as yet received no compensation for the damages he had sustained. Many months had now passed since the case went to the Privy Council of England, and Mr. Baird was just as far off as ever from getting his money. The Premier also stated that if the House would not accept what had been done by the delegates, why had they been sent home at all. He (Mr. M.) had already shown that the House was not bound to entertain any Bill that was not reported favourably by a majority of the delegates, and the province of the delegates did not extend beyond submitting a Bill, which the Legislature were in no way bound to accept. The Premier had intimated that some of the delegates had left for home before a final understanding had been arrived at with the Imperial Government, and perforce the minority left behind had to accept what the majority would not wait to receive. This statement was calculated to produce a wrong impression, for when Mr. Monroe left England he brought a letter in which it was stated that the principle of a basis of understanding had been arrived at, and the two delegates left behind had only to attend to details. Under those circumstances, Mr. Monroe felt he had a right to leave, having confidence that the two delegates left behind would finish the work of the delegation satisfactorily.

The hon. the Premier had remained several weeks in London after Mr. Monroe and the Speaker had come out, and he wished to say here, in justice to the Speaker, that, when he came on this side bringing the Draft Bill with him, he immediately went before the Government and stated his objections to it. He had those objections to the Bill in his hand, and could show that the objections made by Mr. Emerson on the 30th of last June had been disregarded in the Bill accepted by the Premier, and therefore the hon. gentleman knew that he was opposing the wishes of the Executive and the majority of the delegates, and flying in the face of everybody authorised to deal in the matter by bringing in this Bill. He would call attention to the objections of the Speaker, and would first refer to sub-section (1) of section 1, in which the hon. gentleman objected to the appointment of the Judicial Commissioners by Her Majesty the Queen, and said he thought they ought to be appointed by the Governor-in-Council, subject to Her Majesty's approval, but the Bill before the House left that provision unchanged. The hon. Speaker gave as his reasons that, if those judicial officers were appointed by Her Majesty, they would not have that knowledge of local laws and customs which men appointed by the Government of the Colony would possess. The

hon. gentleman then went on to make numerous objections to the Bill, and amongst other things said there were sections in it which would give arbitrary powers to Naval Officers, and make it so obnoxious that he did not think any hon. member could be found reckless enough to ask the Legislature to enact such a measure. But the hon. member was mistaken, for Sir William Whiteway, the Premier of the Colony, now asked them to adopt a Bill containing the same obnoxious provisions to which the Speaker had objected. The numerous objections made by the Speaker would show that he had not lost his interest in the Colony; that his judgment was better than the Premier's, and if the latter had been led by the views of the Speaker they would not have him advocating this Bill to-night. In reference to the telegrams which passed between Mr. Monroe and himself (Mr. M.), and between the hon. the Premier and the Colonial Secretary, he would say that the hon. the Premier admitted that he had seen the telegram forwarded to Hon. Mr. Pitts before it was sent, and yet he found fault because it was signed "Delegates" instead of "Monroe and Morine." What difference did it make by whom it was signed, if the Colonial Secretary received another from the Premier the contents of which were the same. The hon. the Premier said he had that telegram in his (Mr. M.'s) handwriting, and if so, he must see that it was a fac-simile of the one that appeared in the printed correspondence. The hon. gentleman admitted that he saw all the telegram except the words asking Mr. Pitts to tell Rev. Mr. Harvey not to wire anything of an existing [?] nature, and to urge friends to come forward and try to change the decision of the Legislature, and he thought that when the hon. gentleman saw the first words of that message, "strictly confidential," he ought not to have read it. When the delegates received a telegram from the Colony to the effect that the Legislature would not adopt their resolutions, he pointed out to the Premier that the whole responsibility would rest on him. Mr. Monroe and he (Mr. M.) then telegraphed to friends in St. John's, urging them to come forward and secure a different line of action on the part of the Legislature. Instead of leaving the hon. gentleman in the nasty position in which he was placed by the refusal of the Legislature to do what he requested them to do, he and Mr. Monroe sent the telegram (which the hon. gentleman had read to-night) to their friends in St. John's to get them to use their influence in changing the position of affairs so that the hon. the Premier might not be turned into ridicule. In view of the fact that the telegram was sent for the purpose of helping the hon. gentleman out of the position in which he was placed, it was not creditable for him to have endeavoured to show that there had been some bad faith on the part of himself and Mr. Monroe in signing the telegram "Delegates," instead of their own names. The hon. gentleman went on to say, why should we want local judges; why not accept British judges? The British Government were responsible for the carrying out of the Treaties, but the people of this country would be the sufferers, and if they had a right to ask for judges to protect those people, it was casting an unmerited slur on our local judges to imply that they would not give justice in these matters as well as Downing Street lawyers. The hon. gentleman spoke of protecting the French in their rights, but he would say that the French had a powerful Government, with fleets and soldiers to protect them, and it was quite enough for this Legislature to protect the Newfoundland fishermen without troubling about the French. He (Mr. M.) made a statement here last night that Newfoundland fishermen could not bring a case before this Judicial Court under the provisions of this Act, and to-night the hon. the Premier denied the accuracy of the statement. He would just refer to the Bill to show that the hon. gentleman had been misleading the House. In section 2 would be found that:—
 "Where a Naval Officer holding the instructions of Her Majesty the Queen, given
 " through the Commissioners of the Admiralty for fulfilling the French Treaties and
 " arbitration award, thinks it necessary to take any action against any persons or
 " their property for the purpose of carrying into effect or enforcing the said Treaties or
 " award, or of maintaining peace and good order among the persons engaged in the
 " Treaty Coast and waters, he shall bring the matter before the Judicial Commission
 " Court, and before taking any action obtain a judgment of the Court directing such
 " action." He shall bring the matter before the Court when he thinks it necessary to
 do so, acting under instructions from the Admiralty. So then the Naval Officer when-
 ever he thought it necessary—no matter whether it was necessary or not, as long as he
 thought so—could arrest any person and bring him before the Judicial Court. Sub-
 section 2 of the same section said that:—"Any person aggrieved by any act of a Naval
 " Officer holding such instructions as aforesaid, may bring the matter before the
 " Judicial Commission Court." Any person aggrieved by the action of a Naval Officer
 could bring the matter before the Court, but where was the power to enable him to

bring the matter before the Court, if he had been aggrieved by a French officer or French fisherman? How then could the hon. member, Mr. Webber, say that the municipal courts of Newfoundland had power to try a Frenchman?

Mr. Webber.—I was quoting the opinion of a gentleman much better skilled in legal knowledge than the hon. member.

Mr. Morine.—Sir William Whiteway denied it, and said that it had been decided in England that an action could not be brought in a British Court against any foreign subject with regard to this matter.

Mr. Webber.—You can bring an action against a Naval Officer.

Mr. Morine.—That was the very thing he had just pointed out, but what he wanted to ask was, why should this Legislature pass a law to provide for the trial of a Newfoundlander committing an offence against a Frenchman, when there was no law providing for the trial of a Frenchman committing an offence against a Newfoundlander? Sir William Whiteway's statement was this, "I deny that only Naval Officers can bring a case before the Court under this Act, for anybody can do it," but he (Mr. M.) would say that statement was not true. The hon. the Premier had said, why did certain persons agitate on the French Shore question if they were not prepared to accept this Bill, but he (Mr. M.) did not believe that the Bill was the result of the agitation that had taken place here. The hon gentleman also said that the agitation only aroused the indignation of the French, but did he not know that the French Government were better posted on the matter than the British Government? Did they not know the diplomatic value of the French Shore, and had they not for years refused to make any concession in that direction? Had not Sir William Whiteway told the House that he had been battling with the French Shore question ever since he had a seat in the Legislature? There was no reason to believe that the French Government were unaware of the value of holding on to that shore, and he thought there was no need of agitation to show them the value of it when they had such a shrewd agent in the present French Consul in our midst, who doubtless knew more about the matter than anyone else in Newfoundland. The hon. gentleman, in speaking of that demonstration in Bannerman Park, referred to it as something for which he felt the deepest scorn and contempt. He thought the hon. gentleman was extremely injudicious in making such an assertion, when he must have known the names of those who took part in the demonstration. One of those who took part in it was the Hon. Sheriff Talbot, one of the best statesmen and politicians in the country; a man whose services the present Government would not refuse; and who, when he represented the case of the Government in the Upper Chamber, succeeded in making business go on better than it otherwise would. Then there were Hon. James Pitts, Charles Tessier, Esq., Hon. James Rogerson, Rev. George Boyd, Sir James Winter, Edgar Bowring, Esq., D. J. Greene, Q.C., M.H.A., J. McDougall, Esq., Rev. Father Clarke, M. Fenelon, Esq., P. R. Bowers, Esq., editor of the "Colonist," Sir Robert Thorburn, and Michael Connors, Esq. These were the names of some who took part in the French Shore demonstration in Bannerman Park, and for their action on that occasion Sir William Whiteway felt only scorn and contempt. The hon. gentleman said here to-night that that demonstration was got up by a number of dissatisfied politicians for the purpose of raising a cry against the present Government, and that he felt only scorn and contempt for them. Hon. members had heard the names of some of the gentlemen who took part in it and could judge for themselves whether the hon. gentleman's assertions were right or wrong, but now he (Mr. M.) would quote from the remarks of a gentleman whose opinion was an authority acknowledged even by the hon. the Premier himself. He had before him a speech made by the Hon. Robert Bond, Colonial Secretary, at the time of the Bannerman Park demonstration. The Hon. Colonial Secretary said in effect that that great demonstration that had taken place, and the mass meetings that were being held all over the country, clearly indicated the deep interest taken in this matter by the people of Newfoundland, and that these meetings were in sympathy with the action of the Government and were strengthening its hands. The day after the demonstration had taken place the Hon. Colonial Secretary had spoken in this strain, which showed that his sympathies were with those whose enthusiasm led them to get up the agitation against the passage of the Coercion Bill. The hon. the Premier, in referring to the matter of compensation, directed the attention of the House to letters dated May 4th and 28th, and also referred to the reply from the British Government, which was headed "carefully considered." He, Mr. M., wished to point out to the House that here was another reason why we were not pledged to vote for this Bill.

The delegates had said in one of their last letters that, relying upon the assurance of the Imperial Government to give us compensation, the delegates were of opinion that the Legislature would accede to their propositions. If the British Government had not shown any intention to fulfil that promise of granting compensation, was this Legislature bound to proceed with this Bill? If we were bound to proceed with it at all, did not the letter from the delegates to the British Government contain that condition which must be complied with? It was apparent that they had neglected to do so; this Legislature was at liberty to take whatever step it pleased with regard to this Bill. He had read the letter of Lord Salisbury referring to that statement, showing that he recognised the necessity of compensating this Colony before the permanent Bill was passed. The hon. Premier stated that if we did not pass this permanent Bill the British Government would do so without delay. If by rejecting this Bill we caused a permanent one to be passed, we would be no worse off than at the present time. Let the Imperial Government pass it, for then we would be in a better position to make complaints and demand redress, than if we placed it upon our own Statute Books. He had shown that the threat on the part of the British Government would not be fulfilled, because Lord Salisbury was pledged not to pass it until the end of 1893, which gave us another session in which to deal with the question. The hon. member, Mr. Webber, had said that the Salisbury Government were again coming back to power. That hon. gentleman could not have read aright the signs of the times which could be gathered from what had lately taken place all over the country. The hon. member must admit that the bye-elections which had taken place had some significance, and when it was known that the majority of the Government had been reduced slowly until it was not now half as large as formerly, the chances were that, at the next general election, another Administration would be placed in power. He would agree with the hon. member that the Salisbury Government took a deep interest in matters relating generally to the Colonies, but they were not more favourably inclined towards this country than the Gladstonian Party, who had particularly advocated our case and pledged themselves to look after our interests in a very marked manner. He believed the Gladstonian Party was more popular with the French than the Salisbury Government; consequently the French were more likely to consent to offers that might be made to them. He did not think that this Legislature ought to lose the chance of keeping alive this measure, but should agitate until we accomplished some object for the benefit of this Colony, for if we were to close our mouths by placing this law on the Statute Book we would be cutting the ground from under our own feet. The hon. the Premier had made one statement in reference to Mr. Monroe which he would contradict, which was that when Mr. Monroe left London he knew the conclusion that had been arrived at with regard to the appointment of the Commissioners. He desired to say that Mr. Monroe did not know this at the time he left. The Imperial Government said at the time that if we appointed a Judicial Commissioner the Colony should pay the salary, and if the Imperial Government appointed one they would bear the expense; but Mr. Harvey was willing, for the sake of saving to this Colony the payment of the salary, to abandon the idea of a Commissioner being appointed by this country. Mr. Monroe, who preferred keeping the power of appointment in our own hands, went to Sir Robert Herbert, who said that he quite agreed with him that we ought to have that privilege, and that he did not believe the British Government would raise the beggarly question of the payment of the salary. With the exception above mentioned, the principle laid down in the first Bill was not altered at the time Mr. Monroe left. He was astonished at the statement made by the hon. Premier that some of the delegates had no right to leave London notwithstanding the fact that Mr. Harvey had left some weeks before the Premier, and before the final Bill had been agreed to. If any one deserved censure at the hands of the Premier for leaving London, it was Mr. Harvey, because, at the time that the hon. Speaker and Mr. Monroe left, the principle of a Bill had been assented to, while at the time of Mr. Harvey's departure the principle of the Bill had been abandoned. That censure did not apply to him (Mr. M.), as he came here at the instance of the delegation, and the hon. Premier had admitted that he (Mr. M.) had done his work well. He had no hesitation in saying that his Honour the Speaker and Mr. Monroe were the means of saving this Colony from making greater concessions. The hon. the Speaker, Mr. Monroe, and he, who formed a majority of the delegation, had from the time they left until they came back worked indefatigably for the interests of this Colony. He could not refrain, in justice to the Speaker, from saying this, whose mouth was closed by the position he now occupied. The Speaker's enthusiasm and jealousy of the rights of this Colony during the time he was across the

water, were well known, and that gentleman was always foremost in urging our claim. This testimonial was only due to this gentleman, because, after the vote would be taken to-night, he (Mr. M.) would not have an opportunity of again expressing his opinion, as he felt sure the Bill would not be accepted. He had occupied a considerable time in this debate, but it must be remembered that the measure was the most important that had ever come before this Legislature. The hon. Premier had said that he introduced it as Attorney-General of this Colony, but he would take issue with him upon that point, for Her Majesty never ordered nor instructed him to introduce it, and if the Imperial Government had instructed him to do so without the consent of the delegates, it would be a sufficient justification for this House to reject it to-night. The Imperial Government had dealt with the delegation, and if they ordered the hon. Premier to introduce it, then the delegates were free to-night to condemn it, because it was an express violation of their agreement.

Hon. Colonial Secretary (Mr. Bond) had a few observations to offer before the debate closed, and they would be very few; for as the discussion had extended over a lengthened period he did not wish to keep hon. members in unnecessary suspense upon this obnoxious question. Regarding the terms of the telegram to which much importance had been very properly attached, and which was addressed to a member of the Upper Chamber, he would say most emphatically that, so far as he was aware, it was not of a private nature; that no person had ever intimated to him that it was to be regarded as such, and that as the Premier, Sir William Whiteway, had telegraphed to him to see the message sent to the Hon. James Pitts, and had stated that all the delegates were agreed as to the suggestions contained in that message, he had, as before stated, obtained a copy of it, and had used it amongst the members of the Government party and of the House to induce them to alter their opinion respecting the passing of a temporary Bill last session. We had heard for the first time to-night that this message was intended to be private. But even if that was the intention of the delegates, it did not alter the fact that the message was sent to influence the decision of the Legislature respecting the temporary Bill, and that it had been the means of wringing from the House the promise referred to by the Premier. It had also been stated by the hon. gentleman that the said telegram was not genuine, that all that he (Colonial Secretary) knew about the matter was signed "Delegates," and that the Premier had by cable referred him to the telegrams, and in his cable stated that all the delegates agreed with the suggestions therein contained. The Premier had said that he (Colonial Secretary) was deceived; if so, the House was deceived; for he had shown the message to the House; and therefore, being deceived, they were not bound to approve the Bill before the Chair, as had been contended. It could not be emphasized too strongly that, had attention not been directed to the message sent to Mr. Pitts by the delegates, the House would not be found in the unfortunate position it was to-night. He had always entertained the greatest respect for his leader, and that respect had not abated, although he now so widely differed from him on the question before the Chair. The Premier had displayed marked ability and zeal in advocating this Bill, a zeal which was worthy of a better and more righteous cause. The hon. the Premier had said that he conceived it was his duty to the Imperial Government to present this Bill to the House. He (Colonial Secretary) conceived it to be his duty to the people of this country, whose representative he was, to oppose it. The hon. the Premier had now expressed his willingness to withdraw the Bill, and he (the Colonial Secretary) would say that, as the desire of the House was thus attained, this request should be acceded to. Their purpose, that of preventing the Bill becoming the law of the land, was accomplished. If this was not consented to, it would then be his duty to press the amendment which he had presented to the House last night.

Mr. Morine would point out the necessity of placing on record the resolutions of the hon. Colonial Secretary in order to show the British Government what was proposed instead of the Bill. On condition, therefore, that the amendment be forwarded to the British Government, that they might understand the attitude of the House, and their willingness to do their part in accepting a proper Bill, he would consent to the withdrawal.

Mr. Murphy preferred that they should vote upon the motion before the Chair, and do their duty as Newfoundlanders.

Mr. Webber objected to the Bill being withdrawn, and asked that a vote be taken.

The question being put by Mr. Speaker that the words proposed to be struck out of the main question stand part of the question, the House divided thereon, when there appeared for the affirmative eight, namely: Hon. Premier, the Chairman of the Board of Works, the Financial Secretary, Messrs. Webber, Duff, Dawe, Rothwell, and Fox; and for the negative 23, namely, Hon. Colonial Secretary, Hon. Receiver-General, Hon.

Surveyor-General, Hon. E. P. Morris, Messrs. Murphy, Thompson, Burgess, Geran, Peyton, White, Whiteley, Clift, Hallaren, Woodford, Tait, Blandford, Greene, Carty, Rolls, Morine, Morison, Murray, and Shea. So it passed in the negative.

The question being then put by Mr. Speaker and the words proposed by the amendment to the amendment to be struck out of the amendment stand part of the question, the House divided thereon, when there appeared for the affirmative 21, namely, Hon. Colonial Secretary, Hon. Receiver-General, Hon. Surveyor-General, Hon. E. P. Morris, Messrs. Thompson, Burgess, Geran, Peyton, White, Whiteley, Clift, Hallaren, Woodford, Tait, Blandford, Greene, Carty, Rolls, Morine, Morison, and Shea; and for the negative 10; namely, Hon. Premier, the Chairman of the Board of Works, the Financial Secretary, Messrs. Murphy, Webber, Duff, Dawe, Rothwell, Fox, and Murray. So it passed in the affirmative.

The question being then put that the words of the amendment be added to the remaining words of the original question, the House divided thereon, when there appeared for the affirmative 22, namely, Hon. Colonial Secretary, Hon. Receiver-General, Hon. Surveyor-General, Hon. E. P. Morris, Messrs. Murphy, Thompson, Burgess, Geran, Peyton, White, Whiteley, Clift, Hallaren, Woodford, Tait, Blandford, Greene, Carty, Rolls, Morine, Morison, and Shea; and for the negative, nine, namely, Hon. the Premier, the Chairman, Board of Works, the Financial Secretary, Messrs. Webber, Duff, Dawe, Fox, Murray, and Rothwell.

So it passed in the affirmative. The original question as amended being then put, it passed in the affirmative, and it was ordered accordingly.

Pursuant to order of the day, the House resolved itself into committee of the whole on Bill relating to the municipal affairs of St. John's. Mr. Whiteley in the Chair.

The Committee rose and the Chairman reported that the Committee had considered the said Bill, had made some progress, and asked leave to sit again.

The House adjourned until Monday next at 4 o'clock in the afternoon.

No. 8.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

[*Answered by No. 9.*]

7th February 1893.—It is necessary that Her Majesty's Government should know, as soon as possible, intentions of your Ministers and Legislature as to permanent legislation to enable Her Majesty to carry out Treaty obligations. Telegraph reply.

No. 9.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.

(Received February 14, 1893.)

[*Answered by No. 10.*]

TELEGRAPHIC.

IN reply to your Lordship's telegram of 7th February,* I am requested by my Ministers to transmit the following Minute of Committee of the Executive Council. *Begins*:—The Treaties Bill introduced into House of Assembly by Sir W. Whiteway "in the Session of 1892 was defeated by a majority of 23 to 8. Only two members of the Executive Council, Sir W. Whiteway and Mr. Harvey, supported it. My responsible advisers wish to call the attention of the Secretary of State for the Colonies to the resolutions of the 14th May last, transmitted in the telegram of the 17th May† as indicating the action proposed by the House of Assembly. The Legislature meets on the 7th March. (Signed) W. V. WHITEWAY, in the absence of the Colonial Secretary."—*Ends.*

* No. 8.

† No. 5.

No. 10.

The MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

[Answered by Nos. 11 and 15.]

16th February 1893.—Referring to your telegram of 14th February,* permanent legislation absolutely necessary to enable arbitration to proceed. French Government would not enter on negotiations for purpose indicated by Resolutions of Legislature till after arbitration.

If Houses of Legislature will not fulfil pledges given by delegates on their behalf, Her Majesty's Government will have no alternative but to introduce Imperial legislation; consequently, we hope that your Ministers will be prepared to introduce and press on Legislature satisfactory permanent measure during next Session. Draft must be arranged with Her Majesty's Government. Telegraph reply.

No. 11.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.

(Received February 27, 1893.)

TELEGRAPHIC.

Referring to your telegram of 16th February,† matter is before Select Committee, whose report will be submitted to Houses of Legislature meeting on 7th March. Till then my responsible advisers feel they cannot move.

No. 12.

FOREIGN OFFICE to COLONIAL OFFICE.

[Answered by No. 13.]

SIR,

Foreign Office, February 27, 1893.

I AM directed by the Earl of Rosebery to request you to inform the Marquess of Ripon that, as the result of personal communication with the French Ambassador, it has been decided that the "modus vivendi" in Newfoundland waters should be renewed for the present season.

I am accordingly to enclose, for Lord Ripon's consideration, the draft of a note to this effect which, with his Lordship's concurrence, Lord Rosebery proposes to address to Monsieur Waddington.

The Under Secretary of State,
Colonial Office.

I am, &c.
(Signed) P. W. CURRIE.

Enclosure in No. 12.

M. L'AMBASSADEUR,

Foreign Office, [March 4,] 1893.

IN accordance with the agreement arrived at in our conversation on the 22nd ultimo, I have the honour to state that Her Majesty's Government are willing that the *modus vivendi* of 1890, relative to the catching and preparation of lobsters on the Treaty Coast of Newfoundland, which was renewed during the fishing seasons of 1891 and 1892, should again be renewed for the fishing season of the present year.

On receiving from your Excellency formal notice that your Government desire this agreement, Her Majesty's Government will consider this exchange of notes as an agreement between the two Governments, and will give the necessary directions to carry the agreement into execution on behalf of Great Britain.

His Excellency M. Waddington,
&c. &c. &c.

I have, &c.
(Signed) [ROSEBERY.]

* No. 9.

* No. 10.

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No. 13.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 18.]

(Extract.)

Downing Street, March 2, 1893.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 27th ultimo,* respecting the renewal of the *modus vivendi* with France respecting the lobster factories in Newfoundland, and to state that his Lordship concurs in the draft note.

I am to request that a copy of the note when sent may be communicated to this Department for transmission to the Governor of Newfoundland.

No. 14.

The MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

[Answered by No. 17.]

March 9. Send by telegraph report of Joint Committee as soon as possible.

No. 15.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.

(Received March 9, 1893.)

[Further Telegram No. 16.]

TELEGRAPHIC.

REPORT of Committee presented last evening, will be discussed to-day. Prime Minister informs me that he intends to oppose because it is not in accordance with facts stated in correspondence, and misleading, but in his belief it will be adopted. It is as follows: Houses of Legislature unwilling it should be considered there was ever any intention on their part to repudiate proposals made by Delegates. Bill rejected last year was not in accord with those proposals, and did not contain principles agreed upon by Delegates and Her Majesty's Government. In reply to your telegram of 16th February,† both Houses beg to intimate their readiness, in interests of Empire, to enact legislation fulfilling proposals by Delegates, and to agree with Her Majesty's Government upon draft of measure for that purpose. They regard it as essential that such legislation should provide for Courts and compensation as proposed in Delegates' letter 1st May 1891,‡ and referred to by Lord Salisbury in Lords, 29th May 1891. Legislature most earnestly protests against Imperial legislation for enforcement Treaties and Award of Arbitration which does not contain provision for compensation and for Courts constituted as agreed upon by Her Majesty's Government and Delegates from this Colony. Partial Arbitration now pending was agreed upon in opposition Colony's repeated protests. Legislature earnestly desires that Arbitration should not proceed unless scope extended so as to include all questions arising under Treaties, or at least French use of St. Pierre and Miquelon. Legislature urgently requests that, while negotiations for extension Arbitration and joint application Canada and this Colony for British Consul are pending, the Arbitration regarding lobster question shall not be proceeded with. A measure extending till end 1895 present Act for enforcing Treaties and *modus vivendi* will be enacted, if Her Majesty's Government desire it, pending result negotiations. Report Joint Select Committee and Address by both Houses will be forthwith sent by mail.

* No. 12.

† No. 10.

‡ No. 8 in [C. 6365] May 1891.

No. 16.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.
(Received March 15, 1893.)

[*Further Despatch No. 17.*]

TELEGRAPHIC.

REFERRING to my telegram of 9th March,* report adopted in Legislative Council by 5 to 3, and House of Assembly by 17 to 5. Despatch will be sent by mail.

No. 17.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.
(Received March 27, 1893.)

(*Answered by Nos. 20 and 29.*)

MY LORD MARQUESS,

Government House, St. John's,
March 13, 1893.

REFERRING to my telegram of this day's date,† I have the honour to forward, at the request of both Houses of Assembly, the report of their Joint Committee on the question of Treaty Shore legislation, which was adopted in the Legislative Council by a majority of five to three, and in the Lower House by seventeen to five.

I would further observe that the intention of presenting an address to Her Majesty therein alluded to has been abandoned. I regret that I am unable to forward copies of the debates on this matter, but, as has been already reported in previous years, they are not published till days after they take place.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Colonel,
Governor.

The Most Hon. the Marquess of Ripon, K.G.,
&c. &c. &c.

P.S.—Since writing the above I have received this day's journal of the Legislative Council containing a protest from the Hon. Mr. Harvey against certain portions of the joint address; this protest I now enclose.

T. O'B.

Enclosure in No. 17.

HOUSE OF ASSEMBLY OF NEWFOUNDLAND.

TO HIS EXCELLENCY SIR J. TERENCE N. O'BRIEN, Lieut.-Colonel, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,

THE Legislative Council and the House of Assembly have adopted the accompanying report of a Joint Select Committee of both Houses of Legislature on the French Treaties question, and request that your Excellency will be pleased to cause the said report to be transmitted by mail to Her Majesty's Secretary of State for the Colonies.

(Signed) E. D. SHEA,
President.

GEO. H. EMERSON,
Speaker.

* No. 15.

† No. 16.

REPORT OF JOINT SELECT COMMITTEE OF BOTH HOUSES OF LEGISLATURE ON FRENCH
TREATIES QUESTION.

St. John's, Newfoundland,
March 8, 1893.

THE Joint Select Committee of both Houses upon the French Treaties question beg leave to lay before your honourable House the following preliminary report:—

(1.) They have had submitted to them for their consideration the correspondence hereto annexed marked (A).

(a.) Telegrams from the Secretary of State for the Colonies to Governor O'Brien dated February 7th, 1893.

(b.) Telegram from Governor O'Brien to Secretary of State for the Colonies dated February 14th, 1893.

(c.) Telegram from Secretary of State to Governor O'Brien dated February 16th, 1893.

(d.) Telegram from Governor O'Brien to Secretary of State for the Colonies dated February 25th, 1893.

(2.) The purport of that correspondence is as follows:—

(a.) Her Majesty's Government wish to know the intention of the Government and Legislature of this Colony as to permanent legislation to carry out Treaty obligations—(telegram, February 7th).

(b.) The Government reply that the Bill introduced last Session was defeated by 23 to 8, and that the resolution adopted by the Assembly on May 14th, 1892, indicates the proposed action of the Assembly—(telegram, February 14th).

(c.) Her Majesty's Government consider permanent legislation absolutely necessary. French Government will not negotiate for purposes indicated by Assembly's resolution of May 14th till arbitration completed. If Legislature will not fulfil the pledges given by Delegates, Her Majesty's Government will introduce legislation into Parliament. Hope expressed that Government of Colony will introduce and press a satisfactory permanent measure during this Session. The draft of such a Bill must be arranged with Her Majesty's Government—(telegram, February 16th).

(d.) The Government reply that matter now before Joint Select Committee, which will report when Legislature meets. Meantime Government cannot move—(telegram, February 25th).

(3.) Your Committee find, by reference to the Minutes of both Houses, that in May 1891, the following resolution was adopted:—

“Resolved—That this Legislature will adopt such legislation as may be necessary to carry into effect the proposals made to Imperial Government and Parliament by the Delegates.”

(4.) By reference to the correspondence and documents then before the Legislature, the Committee find that the Delegates made the following proposals in reference to legislation of a continuing character:—

(a.) That it should provide for the creation of a Court to adjudicate upon complaints arising in the course of the enforcement of the Treaties and the award of the proposed arbitration upon the lobster question, the Judges of which Court should be appointed by the Government of the Colony, with the approval of Her Majesty in Council, and from whose judgments there should be a right of appeal to the Supreme Court of this Colony, and thence to the Judicial Committee of the Privy Council.

(b.) That compensation should be provided for those persons, if any, whose property might be injured or disturbed in consequence of the enforcement of the award of the arbitration; provided it were found impossible to abandon arbitration altogether—(See letter of Delegates to Secretary of State for Colonies, dated May 1st, 1891).

(5.) That the proposals made by the Delegates were understood by Her Majesty's Government to be as above set forth is proven by the language of Lord Salisbury, in the House of Lords, on Friday, May 29th, 1891, when he said:—

“The information we have received from the Delegates is that if by that time Her Majesty's Government should be agreed upon legislation with respect to the tribunals by which the Treaties are to be enforced, *and compensation due to persons who may suffer under them*, then in that case the Newfoundland Legislature will give permanence to the provision which we understand they have now adopted until the end of 1893.”

(6.) In further proof that the proposals of the Delegates were understood by Her Majesty's Government to be as above set forth, we draw attention to the fact that the first Draft Bill discussed between the Delegates and Her Majesty's Government (hereto annexed and marked B.), contained provisions for the appointment of Judges by the Government of Newfoundland, and for an appeal to the Supreme Court and the Privy Council.

(7.) The Committee find that the Bill introduced into the House of Assembly last Session by the request of Her Majesty's Government, and refused a second reading after a protracted debate, did not contain any provisions for the appointment of Judges by the Government of this Colony, or for the compensation of persons who might suffer damage in consequence of the award of the arbitration; that it was not therefore in accord with the proposals made by the Delegates and ratified by both Houses of the Legislature; and consequently that the Legislature was not in any manner bound to its enactment.

(8.) The provisions of the Bill submitted to the Legislature last Session (hereto annexed, marked C.), were an absolute departure from the basis of the Act which the Legislature understood it would be called upon to enact. The tribunal contemplated by the Delegates and the Legislature was one which would hear and determine any complaint which the aggrieved party might consider necessary to bring before the Court, for the infringement of or interference with the fishery rights of the complainant, whoever he might be. Instead of such a Court the proposed Bill only provided:—

“Where a naval officer, holding the instructions of Her Majesty the Queen, given through the Commissioners of the Admiralty, for fulfilling the French Treaties and arbitration award, thinks it necessary to take any action against any persons or their property for carrying into effect or enforcing the said Treaties or award, or of maintaining peace and good order among the persons engaged in the fisheries on the Treaty Coast and waters, he shall bring the matter before the Judicial Commission Court, and before taking any action obtain a judgment of the Court directing such action.” (Section 2.)

It will be observed that the right of complaint and initial procedure is restricted to the Naval Officer, and then only “when he thinks it necessary to take any action against any persons or their property, &c.” The result of this would be to legalise an authority heretofore usurped by Naval Officers, and practically to abolish any redress to the subject. And when, in connexion with the limited rights of the subject under section 2, the extraordinary and unheard-of powers conferred by sub-section 2 of section 6 on Naval Officers are considered, your Committee are of opinion that Naval Officers are, by this Act, given more absolute control than has hitherto been attempted to be assumed by the most arbitrary of them.

We view with alarm the creation of a dual authority such as is indicated by section 1, by which Commissioners with unknown powers are to be appointed, and then (sub-section 2 of section 1) constituted a Commission Court with powers subject only to the review of the Privy Council. But even this right of appeal is subject to restrictions now unknown, and to be subsequently defined. Your Committee see no valid reason why these appeals should not be governed by the ordinary rules regulating appeals to and from the Superior Tribunals of Her Majesty's Colonies. The refusal of Her Majesty's Government to assure the Delegates that the Commissioners would be lawyers of training and standing, and the want of that assurance in the proposed Bill, indicate that these Commissioners are likely to be the Naval Officers commanding cruisers in the Treaty waters.

(9.) Though the obligations of the Treaties while they continue to exist must be enforced, and though the conditions existing on the coasts to which they apply may make Special Courts seem desirable, the existence of any good and sufficient reason for departing from the principles and procedure which ordinarily govern Courts in the administration of British laws cannot be admitted. The Delegates stipulated, therefore, that the Judges of the Special Courts charged with the enforcement of the Treaties should be appointed in the same manner as the Judges of our Supreme Court, and that the right of appeal should be granted—(see Delegates' letter of May 1st, 1891). Mindful, too, of the fact that the lobster factories upon the coasts over which the French have rights were permitted to be erected, and to be operated, while British Naval Officers were professedly enforcing Treaty rights on that coast, under the instructions of Her Majesty's Government, and of the other fact that the negotiations for arbitration upon the right to catch and pack lobsters were commenced and concluded in opposition to the protests of this Colony, the Delegates conditioned that provisions for the purpose of affording compensation to the owners of factories should be inserted in any measure

legalising the award of the arbitrators—(see Delegates' letter of May 1st, 1891). Your Committee are of opinion that the Legislature should never consent to any legislation which does not accord the right to appoint the Judges of the Special Courts, and provide for compensation for damages consequent upon the award, in the manner proposed by the Delegates.

(10.) It is evident that the Delegates in making their proposals, and the Legislature in pledging itself to support them, were mindful of the duty of protecting the French in the exercise of their Treaty rights in the waters and on the coasts of Newfoundland, so long as those rights continued to exist. But neither Delegates nor Legislature had any thought of abandoning or abating the demand for the abrogation of those Treaties altogether, either by purchase, exchange, or otherwise, at the earliest possible opportunity. Those Treaties have become odious, through the changed conditions of the region to which they apply, and it is, and ever must be, the patriotic aspiration of the people of this Colony to have its soil and its waters free from every foreign claim. Your Committee think, therefore, that the Legislature, when notifying Her Majesty's Government of its readiness to fulfil the proposals of the Delegates, should make it plain that, as the Treaties were made in the interests, not of this Colony, but of the Empire at large, it was for the Empire's honour and advantage that proposals were made by the Delegates, and will be fulfilled by the Legislature, and that the Colony will expect to be rewarded in due time by the entire abrogation of the Treaties, at the expense of that Empire on whose behalf they were made and enforced.

(11.) Your Committee recommend that His Excellency the Governor be requested to transmit by wire the accompanying despatch (hereto annexed and marked D.) to the Secretary of State for the Colonies, in reply to his telegram of February 16th, intimating that the Legislature abides by its promise to carry out the pledges of the Delegates when a Bill is agreed upon which shall contain the provisions as to Courts and compensation as stipulated by the Delegates, a draft of which Bill the Legislature is prepared to forthwith arrange with Her Majesty's Government; and protesting against Imperial legislation before such a Bill is agreed upon for submission to this Legislature as a breach of a well-understood agreement between the Delegates and Her Majesty's Government.

(12.) The permanent legislation asked for is desired not alone for the purpose of enforcing the Treaties relative to that portion of Newfoundland on the coasts of which the French have certain fishery rights, but also for the enforcement of the award of an arbitration relative to the lobster question agreed upon between Her Majesty's Government and the Government of France. From the outset such a piecemeal arbitration has been opposed by, and on behalf of, this Colony, and the agreement between the Governments of France and Great Britain relative to it was made not only without its consent, but in despite of the well-known and frequently expressed opposition of the Legislature and Government of this Colony. The chief ground of objection has been that no arbitration should be consented to that did not include all the questions concerning this Colony at issue between the two nations, more particularly the manner in which the French exercise and exceed their rights in the Islands of St. Pierre and Miquelon. The correspondence proves that the Delegates frequently expressed to Her Majesty's Government the desire of the Colony for "an unconditional arbitration upon all points that either party can raise under the Treaties and declarations," and especially urged that the questions relating to St. Pierre and Miquelon should be included in the subjects to be passed upon by the proposed arbitration in Paris. Your Committee conceive the protest against any piecemeal arbitration to be an expression of the sentiment of the entire Legislature, and recommend that an address to Her Majesty in Council should be adopted, praying that the proposed arbitration should not be allowed to proceed unless and until its scope is so enlarged as to make it obligatory upon the arbitrators to decide upon all questions arising under Treaty and other obligations, or at least to include the manner in which the French exercise and exceed their rights in St. Pierre and Miquelon.

(13.) St. Pierre and Miquelon have long been the centre for smuggling operations, to the detriment of this Colony and the Dominion of Canada, and the manner in which they are at present used is a menace to the good government of the adjacent countries. All requests for the appointment of a British Consul at St. Pierre have been heretofore peremptorily refused, and this colony has therefore not been able to adequately protect itself from the practices carried on with and from the aforesaid Islands.

The Committee understand that a joint application has been made by Canada and this Colony for the appointment of a British Consul and Assistant Consul at St. Pierre, and are of opinion that Her Majesty's Government should treat the concession by the Government of France of the right to make such appointments as a condition precedent to any further progress with the proposed arbitration.

(14.) In view of all the circumstances, your Committee recommend that the Legislature adopt an address to Her Majesty in Council drawing her attention to the fact that the Assembly, on the 14th of May last, resolved that it would, under certain conditions, extend until the end of 1895 the Act now legalising the enforcement of the Treaties and *modus vivendi* with France, and praying that Her Majesty's Ministers will not introduce into Parliament any legislation for the purpose of legalising any arbitration not including all questions at issue under the Treaties, or at least that relative to St. Pierre and Miquelon, and pledging the Legislature, in case such an extended arbitration is agreed upon, to the adoption of permanent legislation, provided it includes provisions for the creation of Courts and compensation as stipulated for by the Delegates.

R. BOND, Chairman.

PHILIP CLEARY.

M. MONROE.

G. T. RENDELL.

GEO. SKELTON.

GEO. H. EMERSON.

M. H. CARTY.

A. B. MORINE.

J. SINCLAIR TAIT.

FRANK MORRIS.

APPENDIX A.

TELEGRAM FROM SECRETARY OF STATE FOR THE COLONIES TO GOVERNOR O'BRIEN,
7th February 1893.

It is necessary that Her Majesty's Government should know as soon as possible intentions of your Ministers and Legislature as to permanent legislation to enable Her Majesty to carry out Treaty obligations. Telegraph reply.

FROM GOVERNOR O'BRIEN TO SECRETARY OF STATE, 14th February 1893.

I AM requested by my Ministers, with reference to your telegram of 7th February, to transmit the following minute of the Committee of the Executive Council: "Treaties
" Bill introduced by Sir W. Whiteway into House of Assembly in Session of 1892 was
" defeated by 23 to 8; two members of the Executive only supported the Bill, Mr.
" Harvey and Sir W. Whiteway. My responsible advisers call the attention of the
" Secretary of State for the Colonies to the resolution of the 14th May last, transmitted
" in telegram of 17th May, as indicating proposed action of House of Assembly."
Legislature meets 7th March.

TELEGRAM FROM SECRETARY OF STATE TO GOVERNOR O'BRIEN, 16th February 1893.

REFERRING to your telegram of 14th February, permanent legislation absolutely necessary to enable arbitration to proceed. French Government would not enter into negotiations for purpose indicated by resolutions of Legislature till after arbitration. If Houses of Legislature will not fulfil pledges given by Delegates on their behalf, Her Majesty's Government will have no alternative but to introduce Imperial legislation, consequently we hope that your Ministers will be prepared to introduce and press legislation of satisfactory permanent measure during next Session; draft must be arranged with Her Majesty's Government. Telegraph reply.

TELEGRAM FROM GOVERNOR O'BRIEN TO THE PRINCIPAL SECRETARY OF STATE FOR THE
COLONIES, 25th February 1893.

REFERRING to your telegram of 16th February, matter is now before Select Committee referred to in my telegram of 17th May, whose report will be submitted to the Houses of Legislature meeting 7th March. Till then my responsible advisers feel they cannot move.

APPENDIX B.

A BILL.

[Draft.]

ENTITLED, &c.

(Recite the Treaties, Declarations, and Agreement for Arbitration.)

WHEREAS it is necessary that tribunals should be established on the Treaty Coast of Newfoundland as referred to in the said Treaties, declarations, and agreement for the purpose of adjudicating upon all questions arising from time to time as between the persons fishing and curing their fish upon the said coast.

Be it enacted by the Governor, Legislative Council, and House of Assembly, in Legislative Session convened:

1. That it shall and may be lawful for the Government of Newfoundland, by and with the approval of Her Majesty, to appoint Judges, either stationary or itinerant, upon the said Treaty Coast to hold Court as occasion may require, to determine all questions arising between persons fishing and curing or drying their fish upon the said coast.

2. That all such questions as aforesaid shall be heard and determined in a summary manner before the Court without a jury.

3. That the said judges shall have power to make such rules as may be deemed necessary for the forms and procedure of the Court, which rules shall, after having been approved of by Her Majesty in Council and published in the "Royal Gazette," be legal and binding as if embodied herein.

4. That the judgments, orders, and decrees of the said Courts shall be executed by officials to be appointed as occasion may require by the Government of Newfoundland, subject to the approval of Her Majesty.

5. When any party shall consider himself aggrieved by the adjudication, &c.

[Right of appeal to the Supreme Court of Newfoundland and from thence to the Privy Council.]

6. No judgment or decree of the said Court shall be questioned for want of form.

7. This Act shall be cited as, &c., &c.

APPENDIX C.

A BILL to provide for carrying into effect Her Majesty's engagements with France respecting the Fisheries off the Coast of Newfoundland, and for the Judicial determination of Questions arising with reference thereto.

WHEREAS the engagements between Great Britain and France relating to the Newfoundland fisheries rest upon the Treaties, declarations, and agreements herein-after mentioned:

* * * * *

And whereas it is expedient that permanent arrangements should be made, both for the legal enforcement of the provisions of the French Treaties, and of the arbitration award, and also for the decision of questions which may from time to time arise under those provisions upon the Treaty Coast and waters.

Be it therefore enacted by the Governor and Legislative Council and House of Assembly in Legislative Session convened as follows:—

1.—(1.) Her Majesty the Queen may from time to time, by instrument under her Royal Sign Manual and Signet, appoint Judicial Commissioners for the Treaty Coast and waters, and every Commissioner so appointed shall receive from the Governor a commission for the purposes of this Act.

(2.) There shall be a superior court of record, called the Judicial Commission Court, and the said Judicial Commissioners shall be Judges of that Court.

2.—(1.) Where a Naval Officer holding the instructions of Her Majesty the Queen, given through the Commissioners of the Admiralty for fulfilling the French Treaties and arbitration award, thinks it necessary to take any action against any persons or their property for the purpose of carrying into effect or enforcing the said Treaties or award, or of maintaining peace and good order among the persons engaged in the fisheries on the Treaty Coast and waters, he shall bring the matter before the Judicial Commission Court, and, before taking any action, obtain a judgment of the Court directing such action.

(2.) Any person aggrieved by any act of a Naval Officer holding such instructions as aforesaid may bring the matter before the Judicial Commission Court.

(3.) The Judicial Commission Court shall try every case in a summary manner, and decide it in accordance with the French Treaties and arbitration award, and give such judgment as appears necessary for carrying into effect the decision so as to secure the due observance of the said Treaties and award.

3.—(1.) A judgment of the Court may impose a fine, not exceeding five hundred dollars, grant an injunction mandatory or otherwise, award damages or costs, direct a sale, and give any other order or direction which appears to the Court necessary for carrying into full effect the judgment of the Court, or for the execution of the French Treaties or arbitration award.

(2.) A judgment of the Judicial Commission Court shall have full effect and may be executed, whether on land or at sea, by any Naval Officer, or by any Civil Officer who executes the judgment of the Supreme Court, or of a Stipendiary Magistrate.

4.—(1.) Subject to any rules from time to time made by Her Majesty the Queen, and countersigned by one of Her Majesty's Principal Secretaries of State—

(a.) Sittings of the Judicial Commission Court shall be held at such times and places, and either by one or more of the Commissioners as occasion appears to require, and that either simultaneously or at different times, and at certain fixed places, or at different places where a Commissioner may be, and either on board ship or on land; and

(b.) The jurisdiction of the Court may be exercised by one Commissioner; and

(c.) The Court may, where it deems it expedient, summon any persons having local knowledge and experience to sit with the Court as assessors; and

(d.) The Court may from time to time appoint such officers as appear to the Court necessary, and remove such officers.

5.—(1.) There shall not, save as herein-after mentioned, be any appeal from any judgment of the Judicial Commission Court in any case connected with the French Treaties or arbitration award, nor shall the Court be liable in any such case to be restrained or interfered with in the exercise of their jurisdiction under this Act, whether by a prohibition, mandamus, certiorari, or otherwise; and any judgment or other proceeding of the Court shall not be deemed void by reason only of any formal defect.

(2.) Provided that—

(a.) Nothing in this Act shall impair the right of appeal to Her Majesty the Queen in Council in accordance with such regulations as Her Majesty in Council may make; and

(b.) If any party to a case determined by one Judicial Commissioner requires the case to be reheard before a Court composed of more than one Commissioner, the case shall be so reheard.

3. Provided further, that an appeal or rehearing under sub-section (2) of this section shall not operate as a stay of execution.

6.—(1.) The Judicial Commission Court shall, for the purposes of this Act, have the same jurisdiction and power of summoning and enforcing the attendance of parties and witnesses, of administering an oath, of protecting and enforcing respect for the Court, enforcing their judgment or summons, and otherwise, as the Supreme Court, or (as the case requires) any Stipendiary Magistrate.

(2.) A Naval Officer shall have power with a view to any proceeding in the Judicial Commission Court to take and bring before the Court any person or vessel or boat or any tackle, equipment, or nets, and for that purpose, and for the purpose of the execution of any judgment of the Court, shall have the authority and be entitled to the immunities given by law to any sheriff, bailiff, tipstaff, constable, or officer executing a warrant or judgment of the Supreme Court, or (as the case requires) any Stipendiary Magistrate.

7.—(1.) The Judicial Commission Court may from time to time, with the approval of Her Majesty the Queen signified under the hand of one of Her Majesty's Principal Secretaries of State, make, revoke, and vary rules regulating the procedure, payment of assessors, practice, fees, and costs, in matters under this Act, and providing for the reception of depositions in evidence, and such rules shall be published in the "Royal Gazette," and while in force shall be binding as if enacted in this Act.

(2.) All such fees, and also all fines imposed by the Court, shall be paid, accounted for, and applied as directed by the rules, and subject to any such direction shall be applied in aid of the expenses of the Court and the officers thereof, and so far as not required for that purpose shall be applied as part of the revenue of Newfoundland.

8.—(1.) Nothing in this Act shall apply to any matter arising otherwise than in relation to the French Treaties and arbitration award.

(2.) The jurisdiction and powers conferred by this Act shall be in addition to and not in derogation of any jurisdiction and powers of Her Majesty the Queen, or officers acting under Her orders, or of the Governor or any court, magistrate, or officer of Newfoundland.

9. In this Act, unless the context otherwise requires—

The expression “Naval Officer” means any officer, commissioned and in full pay, of one of Her Majesty’s ships.

The expression “judgment” includes a decree or order.

The expression “French Treaties” means the engagements between Great Britain and France recited in this Act, and includes any future agreement for a continuation (pending the arbitration) of the *modus vivendi* of 1890.

The expression “arbitration award” means any award made in pursuance of the arbitration agreement recited in this Act.

The expression “treaty coast and waters” means such portion of the coast of Newfoundland as is mentioned in the above-recited Treaty of Versailles of the third day of September, one thousand seven hundred and eighty-three, and such of the waters adjoining that portion of the coast as are within Her Majesty’s jurisdiction.

Words importing the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.

10. The Newfoundland French Treaties’ Act of 1891 is hereby repealed.

11. This Act shall come into operation on such day as may be notified by the Governor by proclamation, and may be cited as the “Fishery Treaties’ Act, 1892.”

APPENDIX D.

DESPATCH proposed to be telegraphed.

Houses of Legislature unwilling it should be considered there was ever any intention on their part to repudiate proposals made by Delegates. Bill rejected last year was not in accord with those proposals, and did not contain principles agreed upon by Delegates and Her Majesty’s Government. In reply to your despatch, February 16th, both Houses beg to intimate their readiness, in interests of Empire, to enact legislation fulfilling proposals by Delegates, and to agree with Her Majesty’s Government upon draft of measure for that purpose. They regard it as essential that such legislation should provide for courts and compensation as proposed in Delegates’ letter, May 1, 1891, and referred to by Lord Salisbury in Lords May 29th, 1891. Legislature most earnestly protests against Imperial legislation for enforcement Treaties and award of arbitration which does not contain provision for compensation, and for courts constituted as agreed upon by Her Majesty’s Government and Delegates from this Colony. Partial arbitration now pending was agreed upon in opposition Colony’s repeated protests. Legislature earnestly desires that arbitration should not proceed unless scope extended so as to include all questions arising under treaties, or at least French use of St. Pierre and Miquelon. Legislature earnestly requests that, while negotiations for extension arbitration, and joint application Canada and this Colony for British Consul, are pending, the arbitration regarding lobster question shall not be proceeded with. A measure extending till end 1895 present Act for enforcing Treaties and *modus vivendi* will be enacted if Her Majesty’s Government desire it, pending result negotiations. Report Joint Select Committee and Address by both Houses will be forthwith sent by mail.

PROTEST BY MR. A. W. HARVEY.

I, A. W. Harvey, member of the Legislative Council of Newfoundland, while agreeing most heartily with the objects sought to be accomplished by the joint address from both Houses of the Newfoundland Legislature on the French Shore Question, which passed the Council on the 11th day of March 1893, must note my disagreement from several statements contained in said address as incorrect and likely to weaken, and possibly frustrate, the wishes of the Legislature and thus injure the interests of the colony.

The portions against which I record this protest are contained (1) in the 8th section of the address, as follows:—"The result of this would be to legalise an authority heretofore usurped by naval officers and practically to abolish any redress to the subject." Sub-section 2 of section 2 of the Bill under discussion is as follows:—" (2) Any person aggrieved by any act of a naval officer holding such instructions, may bring the matter before the Judicial Court," showing that any person whatsoever may bring his complaint before the Court. Section 8 of the report continues: "And when in connexion with the limited rights of the subject under section 2, the extraordinary and unheard of powers conferred by sub-section 2 of section 6, on naval officers, are considered, your committee are of opinion that naval officers are by this act given more absolute control than has hitherto been attempted to be assumed by the most arbitrary of them." As a matter of fact, by the law at present on the Newfoundland Statute Book, a naval officer holding Her Majesty's commission combines the duties usually assigned to the police, to the judge, and to the sheriff. While the proposed Bill strictly limits the power of the naval officer to those usually accorded to the police, the verbiage of a great part of clause 8 is open to the gravest objection in a most important document proceeding from Legislative bodies.

Section 8 terminates as follows:—"The refusal of Her Majesty's Government to assure the delegates that the Commissioners would be lawyers of training and standing, and the want of that assurance in the proposed Bill indicate that these Commissioners are likely to be naval officers commanding cruisers in treaty waters." I protest against any such conclusion from any information which is before the Legislature, or, so far as I am aware, within the knowledge of the delegates.

In section 9 "The Delegates conditioned that provisions for the purpose of affording compensation to the owners of factories should be inserted in any measure legalising the award of the arbitration (*see* delegates' letter of May 1st, 1891)." In the letter referred to, after setting forth the details of the measure "we have outlined" in the earlier part of that letter, the delegates proceed—"We ask an assurance

"(1.) That no further questions shall be submitted to the Arbitration Commission without prior consultation with the Government of the Colony.

"(2.) That the opinion of the Colonial Government will not be disregarded in the absence of some paramount consideration involving the welfare of the Empire, and

"(3.) That compensation will be given to those persons, if any, whose property may be destroyed by the award of arbitration."

This verbiage shows that the delegates did not ask or expect any compensation clause to be inserted in the Bill.

A telegram was subsequently sent by the delegates to the Newfoundland Legislature that Lord Salisbury had given the assurance asked for with regard to compensation.

In Appendix D. in "Despatch to be telegraphed," the 3rd and 4th lines read:—"And did not contain principles agreed upon by delegates and Her Majesty's Government."

As the whole of this Bill was agreed upon by the delegates who remained in London for that purpose, and Her Majesty's Government, this assertion must be incorrect and out of place. The preceding words "Bill rejected last year was not in accord with those proposals" are entirely correct.

A. W. HARVEY.

March 13, 1893.

FOREIGN OFFICE to COLONIAL OFFICE.

[Answered by No. 19.]

SIR,

Foreign Office, April 6, 1893.

WITH reference to your letter of the 2nd ultimo,* I am directed by the Earl of Rosebery to transmit herewith a copy of a note from the French Ambassador agreeing on behalf of his Government to the renewal, during the ensuing fishing season, of the *modus vivendi* of 1890 relative to the catching and preparation of lobsters on the Treaty Coast of Newfoundland.

I am to request that you will move the Marquess of Ripon to take all necessary steps for carrying the terms of this arrangement into execution.

Lord Rosebery would be glad also to be favoured with Lord Ripon's observations on the latter part of Monsieur Waddington's note, in which he urges Her Majesty's Government to obtain the necessary powers from Parliament to enable them to carry into execution any award which may be given in the arbitration agreed upon between the two Governments.

I am, &c.

(Signed) T. H. SANDERSON.

The Under Secretary of State,
Colonial Office.

Enclosure in No. 18.

M. LE COMTE,

Ambassade de France, Londres le 4 avril 1893.

EN réponse à votre lettre du 4 Mars j'ai l'honneur de vous déclarer que le Gouvernement de la République consent au renouvellement pour l'année 1893, du "*modus vivendi*" de 1890, relatif à la pêche et à la préparation des homards sur le "French Shore" à Terre-Neuve.

A cette occasion, je suis chargé par mon Gouvernement d'insister auprès de votre Seigneurie pour qu'elle obtienne du Parlement les pouvoirs nécessaires pour donner suite à l'arbitrage convenu, et assurer d'avance l'exécution de la décision des arbitres. La Chambre des Communes avait voté une résolution par laquelle elle s'engageait à donner au Gouvernement de Sa Majesté les moyens d'exécuter ces décisions, dans le cas où la législature de Terre-Neuve se refuserait à voter elle-même un bill analogue au bill présenté par Lord Knutsford et voté par la Chambre des Lords. Les derniers incidents qui se sont produits à la législature de Terre-Neuve démontrent jusqu'à l'évidence qu'il n'y a rien à attendre de ce côté, et que jamais elle ne consentira à passer un bill garantissant au Gouvernement de Sa Majesté les pouvoirs que lui assurait le bill de Lord Knutsford. Je dois rappeler encore une fois à votre Seigneurie que dans une question essentiellement internationale, puisqu'il s'agit de l'interprétation et de l'exécution de traités solennels, le Gouvernement de la République ne peut avoir à faire qu'au Gouvernement de Sa Majesté, et ne pourrait en aucun cas reconnaître ni des fonctions exécutives ni des pouvoirs judiciaires institués par la colonie. Aussi en consentant au renouvellement du "*modus vivendi*" pour 1893, le Gouvernement de la République a la ferme espérance que le Gouvernement de Sa Majesté pourra bientôt mettre fin d'une façon satisfaisante à la situation provisoire qui existe depuis trop longtemps.

Veuillez, etc.

(Signé) WADDINGTON.

Sa Seigneurie Le Comte de Rosebery,
&c. &c. &c.

* No. 13.

TRANSLATION.

M. LE COMTE,

French Embassy, London, April 4, 1893.

IN reply to your letter of the 4th of March, I have the honour to state to you that the Government of the Republic consents to the renewal for the year 1893 of the "*modus vivendi*" of 1890, relative to the catching and preparation of lobsters on the "French Shore" in Newfoundland.

On this occasion I am directed by my Government to urge that your Lordship will obtain from Parliament the powers necessary for giving effect to the arbitration that has been agreed upon, and for ensuring beforehand that the decision of the arbitrators shall be carried out. The House of Commons had passed a resolution by which they undertook to furnish Her Majesty's Government with the means of carrying out these decisions, in the event of the Legislature of Newfoundland refusing themselves to pass a Bill similar to the one introduced by Lord Knutsford and passed by the House of Lords.

The latest incidents that have occurred in the Newfoundland Legislature show conclusively that nothing is to be expected from that side, and that they will never consent to pass a Bill granting to Her Majesty's Government the powers secured to them by the Bill of Lord Knutsford. I must once more remind your Lordship that in a question essentially international, since it concerns the interpretation and execution of solemn treaties, the Government of the Republic can only deal with the Government of Her Majesty, and could in no case recognise either the executive functions or the judicial powers instituted by the Colony. Consequently in giving their consent to the renewal of the "*modus vivendi*" for 1893, the Government of the Republic entertain the firm hope that the Government of Her Majesty will soon be able to terminate satisfactorily the provisional situation which has already existed too long.

I have, &c.

(Signed) WADDINGTON.

The Earl of Rosebery, K.G.

&c. &c. &c.

No. 19.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 21.]

SIR,

Downing Street, April 15, 1893.

WITH reference to your letter of the 6th instant,* I am directed by the Marquess of Ripon to transmit to you, to be laid before the Earl of Rosebery, copies of two telegrams and of a despatch† from the Governor of Newfoundland respecting the Report of the Joint Committee of the Colonial Legislature on the subject of the French Treaties Bill.

It is obvious from these papers that the wish of the Colonial Legislature is to postpone any action in this matter until after the general election, and, in view of the probable opposition to an Imperial Bill in the House of Commons, Lord Ripon would propose, if Lord Rosebery concurs, to invite the Colonial Legislature to renew the temporary Act for two years; and as soon as the result of the election is known to invite the Colonial Government to settle with Her Majesty's Government the terms of permanent legislation.

I am at the same time to enclose the draft of a telegram‡ which, if Lord Rosebery concurs, it is desirable to send off as soon as possible as the Session of the Legislature will close at an early date.

With regard to M. Waddington's note, Lord Ripon can only suggest that he should be informed that Her Majesty's Government are equally anxious with the French Government to put an end to the present unsatisfactory position of affairs, and that they are in communication with the Colonial Government with that object.

I am, &c.

(Signed) JOHN BRAMSTON.

The Under Secretary of State,
Foreign Office.

* No. 18.

† Nos. 15, 16, and 17.

‡ See No. 20.

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No. 20.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

[Answered by No. 27.]

19th April 1893. Her Majesty's Government has received and considered the Report of the Joint Committee of the Legislature enclosed in your Despatch of 13th March.*

Arbitration confined to lobster question was accepted by the Delegates, and your Ministers appointed a member of the Court. It cannot be abandoned; and negotiations for general settlement are impossible until that arbitration has been concluded.

Her Majesty's Government cannot admit the interpretation placed by the Committee on the arrangements with the Delegates as to permanent legislation, nor can they commit themselves without further discussion to the alterations desired; but they are willing to renew discussion with Colonial Government as to appointment of Judges, provided the selection remains with Her Majesty's Government, and to leave the question of an appeal to Supreme Court for further consideration. It is impossible to settle details on these and other points on which your Ministers lay stress in time for legislation in Newfoundland this Session, and your Ministers should therefore procure the extension of the temporary Act as proposed.

If this is agreed to Her Majesty's Government will postpone question of Imperial legislation.

No. 21.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, April 19, 1893.

IN reply to your letter of the 15th instant,† relative to the legislation necessary to give effect to the Treaty engagements between this country and France respecting the fishery question on the Treaty Shore of Newfoundland, I am directed by the Earl of Rosebery to state that he concurs in the course recommended by the Marquess of Ripon, and in the terms of the telegram which he proposes to address to the Governor of Newfoundland on this subject.

I am at the same time to enclose copy of a note which has been addressed to the French Ambassador in reply to his communication of the 4th instant.

It is presumed that Lord Ripon has communicated with the Lords Commissioners of the Admiralty respecting the renewal of the "*modus vivendi*" of 1890 during the approaching fishing season.

I am, &c.

The Under Secretary of State,
Colonial Office.

(Signed) T. H. SANDERSON.

Enclosure in No. 21.

M. L'AMBASSADEUR,

Foreign Office, April 19, 1893.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 4th instant, stating that your Government agree to the renewal during the ensuing fishing season of the "*modus vivendi*" of 1890 relative to the catching and preparation of lobsters on the Treaty Coast of Newfoundland.

I have lost no time in requesting the proper Department of Her Majesty's Government to take steps for carrying the arrangement into effect.

With reference to the latter part of your Excellency's note, in which you urge that the necessary legislative powers should be obtained for the purpose of proceeding with the arbitration already agreed upon between the two Governments, I have to state that Her

* No. 17.

† No. 19.

Majesty's Government are equally anxious with that of France to put an end to the present unsatisfactory position of affairs, and that they are in communication with the Government of Newfoundland with that object, but that circumstances do not admit of any immediate progress being made.

His Excellency Monsieur Waddington.

I have, &c.
(Signed) ROSEBERRY.

No. 22.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.
(Received April 26, 1893.)

[*Answered by Nos. 23 and 29.*]

TELEGRAPHIC.

26th April 1893. I am desired by my Government to state that they are prepared to comply with the request of Her Majesty's Government that they should re-enact the temporary Bill for one year, but that they do so without in any way departing from or prejudicing the position as set forth by the Legislature and the Government in relation to the question of the Treaty Shore. The Bill will be introduced at once.

No. 23.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

(Extract.)

27th April 1893. In reply to telegram of the 25th April,* Her Majesty's Government cannot accept as satisfactory an extension of the Act for one year; and in view of the concessions proposed in my telegram of the 19th instant,† they must insist that, as proposed in your telegram of the 9th ultimo,‡ and in the enclosure of your Despatch of the 13th ultimo,§ the temporary Act be continued to the end of the year 1895.

No. 24.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.
(Received May 2, 1893.)

[*Answered by No. 26.*]

TELEGRAPHIC.

Consulted with Bond, who is introducing prolongation of temporary Act. Some difficulties expected, as some of the delegates state that when engagement to submit to arbitration was given, promise of compensation to those affected was made by Her Majesty's Government. It is expected that close of Legislative Assembly takes place next week.

* No. 22.

† No. 20.

‡ No. 15.

§ No. 17.

No. 25.

FOREIGN OFFICE to COLONIAL OFFICE.

Sir,

Foreign Office, May 2, 1893.

I AM directed by the Earl of Rosebery to return to you herewith the reports of the debates in the Newfoundland Legislature on the question of legislation for enforcing British Treaty obligations towards France, which were forwarded for his Lordship's consideration in your letter of the 26th ultimo.*

I am to observe that, as Lord Ripon is no doubt aware, the statements made by Mr. Monroe in the Legislative Council on the 10th of March as to what passed in the Conferences of the Delegates with Mr. Bramston and Sir T. Sanderson respecting the appointment and payment of the Judicial Commissioners are altogether incorrect.

The idea of those Commissioners being appointed by the Colonial Government was never for one moment entertained by Her Majesty's Government or by any one speaking on their behalf, and the most that was ever admitted for consideration was that after appointment by Her Majesty's Government, a commission should be issued to them by the Governor of the Colony.

I am, &c.
(Signed) P. W. CURRIE.

The Under Secretary of State,
Colonial Office.

No. 26.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

6th May 1893. Referring to your telegram of 2nd May,† undertakings of Her Majesty's Government contained in my telegram of the 19th April‡ are dependent on the extension of temporary Act for two years by Newfoundland Legislature during their present Session. If this is not done those undertakings fall to the ground.

No. 27.

SIR TERENCE O'BRIEN to the MARQUESS OF RIPON.

(Received May 16, 1893.)

TELEGRAPHIC.

I HAVE communicated to the Legislature your Lordship's telegram of the 19th April,‡ and am now requested to forward to you *verbatim* the following resolution:—"The Joint Select Committee on the French Treaties question, referring to resolutions adopted by the Assembly in 1892, and to the report of the Committee which was adopted this year, desire that you should be informed that they will recommend the Legislature to pass a Bill extending the Act for two years, provided that compensation be definitely assured to those who will be affected by the award (of the) pending Arbitration on the Lobster question. The Legislature will be prorogued this week, and a prompt reply is necessary if the Bill is to be passed during the present Session."

No. 28.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

TELEGRAPHIC.

19th May 1893. To prevent any misunderstanding on the question of compensation, you should inform your Ministers that Her Majesty's Government are prepared to repeat the assurance made in the letter of 4th May 1891§ from the Colonial Office to

* Not printed.

† No. 24.
§ No. 9 in [C. 6365], May 1891.

‡ No. 20.

the Delegates in the following words :—“ They will also carefully consider the question “ whether compensation should properly be given to those persons whose property may “ be disturbed by the award of the arbitrators, although they see no grounds for “ admitting any liability on the part of the Imperial Government to pay such compensation.”

Despatch follows giving further explanations.

No. 29.

THE MARQUESS OF RIPON to SIR TERENCE O'BRIEN.

SIR,

Downing Street, May 19, 1893.

I HAVE the honour to acknowledge the receipt of your telegram of the 26th of April, and your Despatch of the 13th of March,* forwarding the Report of the Joint Committee of the Houses of the Legislature on the permanent Bill for carrying out the Treaty engagements with France which was agreed upon by Her Majesty's late advisers with the Delegates of the Colonial Legislature.

Her Majesty's Government observe with satisfaction the intimation in the Report that “ the Legislature abides by its promise to carry out the pledges of the Delegates.” This is the more satisfactory, inasmuch as the statement in the speech of Mr. Morine, one of the Delegates, on the motion for the second reading, that “ the majority of the Delegates “ never contemplated that a permanent measure should be accepted,” and the further statement of the Colonial Secretary that “ the Legislature having been deceived into a “ promise to pass legislation, the promise given by the Delegates to Her Majesty's “ Government and endorsed by the Legislature could not be considered as binding,” appeared to throw some doubt on the point.

As, however, both these gentlemen have signed this Report, Her Majesty's Government are willing to believe that the words quoted were used inadvertently in the heat of debate, and that they had no intention of advising the Legislature to repudiate the undertaking given on its behalf by its duly authorised Delegates.

With regard to the nature and extent of these pledges, Her Majesty's Government regret that the Joint Committee appear to be disposed to place upon them an interpretation which the facts, as set forth in the correspondence, do not warrant.

To remove any possible misapprehension on this point, it may be convenient that I should here summarise as briefly as possible the main points in the communications which passed between the Delegates and Her Majesty's Government.

In the letter addressed by the Delegates to Lord Knutsford on 21st April 1891,† and in the address‡ delivered on the same date on behalf of the Delegates, at the Bar of the House of Lords, on the motion for the second reading of the Imperial Bill, the proposals of the Delegates were stated as follows :—

“ First :—

“ (a.) The Newfoundland Legislature to pass immediately an Act authorising the execution for this year of the *modus vivendi*, the award of the Arbitration Commission regarding the lobster question, and the Treaties and Declarations under instructions from Her Majesty in Council.

“ (b.) The further progress of the Bill now before Parliament to be deferred until the passing of the above Act and the Bill then to be withdrawn.

“ (c.) *The terms of an Act to empower courts and provide for regulations to enforce the Treaties and Declarations to be discussed and arranged with the Delegates now in this city as rapidly as possible, and to be enacted by the Legislature of the Colony as soon as agreed upon.*”

“ Second :—

“ (a.) The present arbitration agreement not to be allowed to operate further than the lobster question, without prior consent of the Colony, and in this case the Colony to be represented on the Commission.

“ (b.) The Colony desires an agreement for an unconditional arbitration on all points that either party can raise under the Treaties and Declarations ; and if this be arranged between Great Britain and France, Newfoundland will ask to be represented upon such arbitration, and will pass an Act to carry out the award.”

* Nos. 22 and 17.

† No. 2 in [C. 6365], May 1891.

‡ No. 5 in [C. 6365], May 1891.

In the debate which followed, these proposals were not discussed by Her Majesty's then Ministers, but the Earl of Kimberley, the leader of the then Opposition in the House of Lords, speaking on behalf of those with whom he acted, said:—"I should suppose that by special courts the Delegates mean special Imperial Courts which would act independently of the ordinary courts of the Colony." The views of Her Majesty's present advisers on this important point are in accordance with this statement.

Again, in the letter of the 1st of May,* which the Delegates subsequently addressed to this Department, they said, "(a.) If the Bill now before the Lords be not further proceeded with and, if *Her Majesty's Government admit the principle of a measure for the creation of courts to adjudicate upon complaints arising in the course of the enforcement of the Treaties and Declarations relative to French Treaty rights, and engage to discuss and arrange with us, as rapidly as possible, the terms of a Bill embodying that principle*, we will with all possible speed procure the enactment by the Colonial Legislature of a measure giving power to Her Majesty in Council during the current year to enforce, in the same manner as heretofore, Her rules and regulations for the observance of the *modus vivendi*, the award of the arbitration, and the Treaties and Declarations with France, which temporary Act the Colonial Legislature will replace by a permanent measure for securing the enforcement of the Treaties under the Orders of the special courts referred to above, provided that if, as the result of the enforcement of the awards of the arbitration, the property of Her Majesty's subjects is disturbed, they shall be entitled to compensation."

The Delegates went on to outline the details of the permanent measure which they proposed, including the method of appointing the judges, the procedure, the right of appeal, and other details.

In the same letter they also stated more fully their proposals with regard to the arbitration in the following passage:—

"If it be possible to abandon arbitration upon the lobster question, we strongly urge that it be done, for we fear grave complications as its result. But if it be not possible now to withhold that question, we ask an assurance:—

- (1.) "That no further questions shall be submitted to the Arbitration Commission without prior consultation with the Government of the Colony.
- (2.) "That the opinion of the Colonial Government will not be disregarded in the absence of some paramount consideration involving the welfare of the Empire; and
- (3.) "That compensation will be given to those persons, if any, whose property may be disturbed by the award of the arbitration."

* * * * *

"If the arbitration upon the lobster question is unavoidable, and Her Majesty's Government convey to us the assurance we have requested, it will be advisable for the Colony to be represented upon the arbitration, and we would advise the acceptance of the invitation already made to the Colonial Government to appoint a Delegate arbitrator from the Colony."

The reply to this letter, dated the 4th May,† did not touch upon the question of the principle of the proposed legislation, but, after pointing out that the proposals were insufficient to warrant the withdrawal of the Imperial Bill, it replied to the other conditions of the Delegates as follows:—

"As regards the further proposals made in your letter, Her Majesty's Government desire me to state that the arbitration upon the sole question now to be submitted to the Commission cannot be abandoned, but they are willing to give an assurance that no further questions shall be submitted to the arbitrators without full consultation with the Colonial Government, and that the opinion of the Colonial Government will not be disregarded in the absence of pressing considerations affecting the interests of the Empire."

"They will also carefully consider the question whether compensation should properly be given to those persons whose property may be disturbed by the award of the arbitrators, although they see no grounds for admitting any liability on the part of the Imperial Government to pay such compensation."

"Her Majesty's Government still entertain the hope that the Colonial Government will assent to the proposal that the Colony should be represented by a Delegate at the approaching arbitration, and they heartily join in the hope expressed by you, that the relations between France and Newfoundland may speedily be placed upon a more satisfactory basis."

* No. 8 in [C. 6365].

† No. 9 in [C. 6365].

Further correspondence and discussion took place with regard to the withdrawal of the Imperial Bill and the duration of the temporary Act to be passed by the Newfoundland Legislature; and finally on the 27th of May the Delegates wrote that they were prepared to recommend the Legislature, that a temporary Act should extend to the end of 1893 on condition that Her Majesty's Government would:—

- (1.) "Withdraw the Bill now before the House of Commons after its second reading."
- (2.) "Will also give an assurance that the *terms of a permanent Bill to be passed by the Colonial Legislature, based upon the principle of the establishment of Courts Judges or Magistrates instead of under Naval Officers*, for the adjudication of questions arising under the Treaties, *modus vivendi*, and award of the present arbitration, be forthwith discussed with the Delegates, and arranged. Such permanent Act when passed by the Colonial Legislature might at once supersede the present proposed Colonial temporary Act."

They further went on to say, "In case no such permanent Act can be arranged and passed, which we cannot conceive as probable, of course it will be competent for Parliament to pass such an Act before the end of the year 1893 as it may deem necessary for the carrying out of the Treaties, &c."

"Replying upon the assurances contained in your previous correspondence with us, especially with reference to the limitation of the present arbitration to the lobster question, and compensation to be made under the modus vivendi, we are of opinion that the Newfoundland Legislature will accede to our proposition made herein."

On the following day the Delegates were able to report that the temporary Act had been passed by the Legislature, and added, "we presume that nothing now remains to be done by us or by the Newfoundland Legislature in order to obtain from your Lordship the withdrawal of the Bill now before the House of Commons after its second reading, and that your Lordship will give such directions for the immediate arrangement with the Delegates of the terms of a permanent Act, based on the principle as mentioned in our letter of yesterday." On the same day a reply was sent, announcing that the Imperial Bill would be withdrawn, and that "*Her Majesty's Government are prepared forthwith to discuss and arrange with you the terms of a permanent Bill to be passed by the Colonial Legislature upon the general principle referred to in the second paragraph of your letter of the 27th instant, and I am to add that the views of Her Majesty's Government in respect to the other points mentioned in that letter have been stated in the previous correspondence.*"

From these communications it is clear that, so far as the permanent legislation with regard to the Treaties was concerned, all that the Delegates remaining in England (one of them, Mr. Morine, having left for the Colony on the 11th of May) then asked for, and all that was accepted by Her Majesty's Government, was (in the words of their letter of the 27th of May) "that the terms of a permanent Bill to be passed by the Colonial Legislature based upon the principle of the establishment of Courts under Judges or Magistrates, instead of under Naval Officers," should be discussed and arranged with them.

In connexion with this it is important to observe, that when the Legislature passed the resolution of the 9th of May, "that this Legislature will adopt such legislation as may be necessary to carry into effect the proposals made to the Imperial Government and Parliament by the Delegates," the only information it had respecting these proposals was the summary contained in the telegram sent by the Delegates on the 6th of May as follows:—

"We propose Legislature pass temporary Bill enforcing modus arbitration award in present manner for this season, provided Imperial Bill dropped; compensation secured to possible sufferers under award, and principle admitted creating courts to discharge judicial functions now performed by Naval Officers; details to be arranged and made into permanent Bill to replace temporary Act."

As soon as the provisions of the measure came to be discussed, the Delegates were informed that the selection of the judges must rest with Her Majesty's Government. Sir William Whiteway stated to the Assembly in his speech on the second reading of the Bill that the four Delegates then in this country were informed by my predecessor at his interview with them on the 6th of June, that this was a position from which Her Majesty's Government could not recede. On this point I think it well to enclose a copy of a letter* received from the Foreign Office.

* No. 25.

If the Delegates had been of opinion that they had no power to discuss the terms of the Bill, which did not provide for the appointment of the judges by the Colony, they could of course have stated so at once, and have terminated a discussion which they would, in those circumstances, have had no authority to continue. As, however, after this frank avowal on the part of Her Majesty's Government, the negotiations were continued with the full knowledge on the part of the Delegates of the views of Her Majesty's Government on this point, and without protest from any of them that it was beyond their powers to accept this provision, the conclusion is irresistible that they recognised that the provision, however much they may have disliked it, was not inconsistent with the pledges given by them to Her Majesty's Government, and was also within their competence to accede to.

The Delegates, as a whole, had, it must be remembered, pledged themselves to arrange with Her Majesty's Government the terms of a permanent Bill, and though it is true that one Delegate had left England before the discussions began, and that two other Delegates left for the Colony before the negotiations were concluded, they did not leave before Her Majesty's Government had informed them of the finality of their decision on the question of the selection of the judges, and in any case, as they allowed their two remaining colleagues to continue the discussion, they bore an equal responsibility for the subsequent action of these latter; a proof that, this important question having been settled, they were prepared to accept whatever their colleagues who remained agreed upon with Her Majesty's Government as to the other provisions of the draft measure. Your Ministers, too, though they were in constant communication with the Delegates, never questioned their power to continue and to conclude the discussion, nor, in the objections to the draft measure which were communicated on their behalf to my predecessor, did they give any hint that they regarded any of the provisions to which exception is now taken, as so vital as to render it necessary for them to refuse their support to a measure in which those provisions were embodied.

I need not add that if Her Majesty's Government had entertained the least doubt as to the authority and competence of Sir William Whiteway and Mr. Harvey to continue the discussion on behalf of their colleagues, they would at once have declined to proceed.

The reasons for which Her Majesty's Government felt compelled to insist on this special provision in regard to the appointment of the judges were explained in the letter from this Department to Sir W. Whiteway of the 3rd of August 1891,* which was transmitted to you in my Despatch of the following day. As I have already pointed out, Her Majesty's Government's present advisers, when in opposition, expressed their concurrence in the views of their predecessors on this point; and, though they are not unwilling to meet the wishes of the Legislature so far as may be possible, and perhaps even to agree that the formal appointment of the judges should be vested in the Colonial Government, they must retain in their own hands the selection of those judges who will be paid by the Imperial Government.

The other main objection urged to this Bill is, that no intermediate appeal to the Supreme Court from the decision of the Judicial Commissioners is provided for. The reasons for this were stated in the letter of 3rd August to Sir W. Whiteway, already referred to, but the point is one upon which I have no doubt an arrangement could be arrived at by further discussion.

The exception taken in the eighth paragraph of the Report to the second section of the Bill, which empowers the Naval Officers to bring matters before the Court, appears to overlook the terms of the Declaration of 1783, under which His Majesty undertook to take the most positive measures to secure the French from molestation in the exercise of their rights.

It cannot be fairly argued that it is sufficient compliance with the terms of that promise to merely provide the courts, and to leave the French fishermen to seek their protection when their rights are infringed, and I have no doubt that on further consideration the Legislature will recognise that the provision is absolutely necessary for the fulfilment of the international obligations of Her Majesty.

I need scarcely add that, for any interference with the fishery or other rights of British subjects, a remedy exists in the local courts already established.

The further statement in this paragraph that "the refusal of Her Majesty's Government to assure the Delegates that the Commissioners would be lawyers of training and standing, and the want of that assurance in the proposed Bill, indicates that these

* No. 1.

Commissioners are likely to be the Naval Officers commanding cruisers in the Treaty "waters," is absolutely unwarranted. Her Majesty's Government can only express their surprise that the Legislature should, without any grounds whatever, have made such an extraordinary charge against Her Majesty's Government, more especially after the explanations given in my predecessor's letter of the 3rd of August.

With regard to the question of compensation, the Delegates, as will be seen from the passage in their letter of the 27th of May already quoted, accepted the assurances given by Her Majesty's Government in the letter from this Department of the 4th of May as satisfactory.

There never was any suggestion that a provision on this subject should be inserted in the permanent Bill, and indeed such a provision would obviously have been altogether futile, as an Act of the Newfoundland Legislature cannot impose a charge upon Imperial funds, which I understand to be the wish of the Committee.

On this point I may observe that the statement in paragraph 9 of the Report, "that the lobster factories upon the coasts over which the French have rights were permitted to be erected and to be operative, while British Naval Officers were professedly enforcing Treaty rights on that coast under the instructions of Her Majesty's Government," would seem to imply that such factories were erected with the knowledge and consent of Her Majesty's Government.

In answer to this it is only necessary for me to refer to my predecessor's despatch of the 23rd of December 1887,* in which it was pointed out that under certain circumstances these establishments might infringe the Treaty rights of the French, and the Colonial Government were requested to obtain legislation to empower Her Majesty's Government to deal with such cases.

Her Majesty's present advisers adhere unreservedly to the declaration made by their predecessors in the Colonial Office letter of the 4th of May 1891, and accepted by the Delegates, as follows:—

"They will also carefully consider the question whether compensation should properly be given to those persons whose property may be disturbed by the award of the arbitrators, although they see no grounds for admitting any liability on the part of the Imperial Government to pay such compensation."

I must, however, point out that, as the assurance was given on the understanding that the Colonial Legislature would pass satisfactory permanent legislation, it can be no longer considered as binding if, owing to the failure of the Colony to fulfil its part of the contract, it should become necessary to resort to Imperial legislation.

It may be desirable, moreover, in order to avoid all future misunderstanding, that Her Majesty's Government should state at once that they could not entertain any proposals for granting compensation from Imperial funds without reserving to themselves the right of appointing an Imperial officer to assess the amount of compensation in each individual case, whose decision, as far as they are concerned, will be final.

With regard to the arbitration, the proposals of the Delegates on the subject are stated in the quotations already cited. They were informed by Her Majesty's late advisers that the arbitration on the lobster question could not be abandoned, but that it would be restricted to that question as desired in the alternative proposal of the Delegates. That assurance was accepted by the Delegates in their letter of the 27th May as satisfactory, and also by your Ministers, who, as announced in your telegram of the 19th of June, expressed their wish to be represented on the Commission, and appointed Sir William Whiteway as their representative.

The Committee do not, I understand, repudiate the obligation to proceed with the arbitration, but their desire is that Her Majesty's Government should not now proceed with it, and should rather negotiate for an arbitration embracing all the points at issue with regard to the French Treaties.

Her Majesty's Government are bound, however, by the engagements of their predecessors, and until those engagements have been fulfilled by the completion of the arbitration already agreed to, they would not be in a position to propose either the complete arbitration desired by the Colony or a negotiation for a general settlement of the fishery question, even if they were not assured (as you have already been informed in my telegram of 16th February) that the French Government would decline to entertain any such proposals.

* No. 81 in [C. 6044], June 1890.

So, with regard to the question of appointing a Consul at St. Pierre, the Government of France have, as you are already aware, declined to consider this question until the arbitration has been disposed of.

The present position then is, that the arbitration agreed upon by the Governments of England and France, and accepted by the Government of Newfoundland, cannot at present proceed, as no permanent provision has been made for the execution of the arbitration award and the enforcement of French Treaty rights, and that, until that arbitration is concluded, Her Majesty's Government cannot make any attempt to meet the wishes of the Colony by negotiating, either for a complete arbitration, or a general settlement, or press further for permission for a British Consular Officer to reside at St. Pierre.

While Her Majesty's Government are anxious to forward the wishes of the Colony in regard to these matters, they must guard themselves against admitting the statement of the Committee that "as the Treaties were made in the interests, not of this Colony, but of the Empire at large, it was for the Empire's honour and advantage that proposals were made by the Delegates, and will be fulfilled by the Legislature, and that the Colony will expect to be rewarded in due time by the entire abrogation of the Treaties at the expense of that Empire on whose behalf they were made and enforced."

The true position of the Colony in regard to the Treaties was clearly stated by the present Lord Chancellor in his speech on the second reading of the Imperial Bill, when he pointed out that "the rights under the Treaties which we are considering, whatever those rights may be, are ancient, and came into existence at a time when there was no inhabitant population on the coasts in question. These Treaty obligations were not imposed on an existing community, but the community which has since grown up has come into being subject to the existence of these Treaty rights. I think that is beyond the possibility of question. The liability of the inhabitants of Newfoundland to the burden of these Treaty obligations does not depend upon any connexion of the Colony with the British Crown. If that link were severed, the inhabitants of Newfoundland would be not one whit less under the Treaty obligations; those obligations would be in no degree less binding upon them. I think it is essential this should be borne in mind: that they would then find themselves still subject to the Treaties, face to face with the French nation insisting upon their performance, and they would be subject to the entire pressure of the force existing in the French people. I am quite sure, under those circumstances, the inhabitants of Newfoundland will feel that these ancient Treaty obligations, resting as they do upon us, bring a serious burden, attendant with manifold risks and responsibilities, and that the Government of this country is deserving of consideration at their hands in the difficult position in which they must often find themselves placed when called upon to enforce these Treaties."

It would be impossible for me to express more lucidly the nature and origin of the Treaty obligations and their bearing on the relations of Newfoundland to the Empire at large.

But Her Majesty's Government, while they think it necessary to place on record their dissent from the views expressed by the Committee on this point, fully recognise that in the interests of the Empire as a whole no less than of Newfoundland in particular, and indeed, of peace, as removing a constant risk of friction with a friendly Power, a final settlement of the fishery question is much to be desired. They would gladly avail themselves of any favourable opening to conclude such an arrangement. But whether such a settlement be at any future time practicable or not, it certainly would not be entertained by any French Government until the present Agreement has been carried into effect.

The necessary preliminary to any such happy conclusion is that the Colonial Legislature of Newfoundland should show that it is prepared to fulfil the Treaty conditions which were in existence before it was itself created, and by which it is necessarily bound,—Treaty conditions which through its Delegates in 1891, and now again, by the report under consideration, it has declared itself willing to carry out by furnishing Her Majesty with the powers which are absolutely necessary for the due execution of Her International obligations.

As the session of the Legislature is so near its close and a general election is impending in the Colony, your Ministers may prefer not to resume the discussion of the permanent Bill at present; and, as I informed you in my telegram of the 19th ultimo,* Her Majesty's Government, relying on the promise of the Legislature to extend the temporary Act for a further period of two years, will be prepared to postpone further action till the new Legislature has assembled, and in the meantime to refrain from

introducing a measure in the Imperial Parliament conferring on Her Majesty the necessary powers.

Upon the assembly of the new Legislature it will be the duty of your Government as soon as possible to take the matter up and carry it to an issue, as required alike by honour and good faith and the best interests of the Colony.

I have, &c.
(Signed) RIPON.

Governor Sir T. O'Brien, K.C.M.G.,
&c. &c. &c.

No. 30.

SIR TERENCE O'BBIEN to the MARQUESS OF RIPON.
(Received May 23, 1893.)

TELEGRAPHIC.

Extension of Temporary Act two years passed Lower House last night by majority of thirteen to five.

COLONIAL REPORTS.—ANNUAL.

No. 102.

NEWFOUNDLAND.

ANNUAL REPORT FOR 1892.

(For Report for 1891 *see* Colonial Report [Annual] No. 67.)

Presented to both Houses of Parliament by Command of Her Majesty.
March 1894.



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1894.

[C.—7319.]

COLONIAL REPORTS.

The following, among other, Reports relating to Her Majesty's Colonial Possessions have been issued, and may be obtained for a few pence from the sources indicated on the title page :—

ANNUAL.

No.	Colony.	Year.
66	Trinidad and Tobago - - - -	1891
67	Newfoundland - - - -	"
68	British New Guinea - - - -	1891-92
69	Victoria - - - -	1891
70	Rodrigues - - - -	"
71	Bermuda - - - -	1892
72	Fiji - - - -	1891
73	British Honduras - - - -	"
74	Turks and Caicos Islands - - - -	1892
75	Gibraltar - - - -	"
76	Bahamas - - - -	"
77	Leeward Islands - - - -	"
78	Trinidad and Tobago - - - -	"
79	Malta - - - -	"
80	Gambia - - - -	"
81	Straits Settlements - - - -	"
82	Grenada - - - -	"
83	Barbados - - - -	"
84	St. Vincent - - - -	"
85	Hong Kong - - - -	"
86	St. Lucia - - - -	"
87	Falkland Islands - - - -	"
88	Gold Coast - - - -	"
89	Basutoland - - - -	1892-93
90	Ceylon - - - -	1892
91	Zululand - - - -	"
92	Mauritius - - - -	"
93	Labuan - - - -	"
94	British Honduras - - - -	"
95	Lagos - - - -	"
96	Sierra Leone - - - -	"
97	Fiji - - - -	"
98	Rodrigues - - - -	"
99	St. Helena - - - -	"
100	British Bechuanaland - - - -	1892-93
101	British Guiana - - - -	"

MISCELLANEOUS.

No.	Colony.	Subject.
1	Gold Coast - - - -	Economic Agriculture.
2	Zululand - - - -	Forests.
3	Sierra Leone - - - -	Geology and Botany.

No. 102.

NEWFOUNDLAND.

NEWFOUND-
LAND.
1892.

(For Report for 1891 *see* Colonial Report [Annual] No. 67.)

Sir TERENCE O'BRIEN to the MARQUESS OF RIPON

Government House, St. John's,

MY LORD MARQUESS,

January 8, 1894.

I HAVE the honour to forward the Blue Book returns for 1892, which have been carefully prepared in the office of the Hon. the Colonial Secretary, together with a report from this officer.

2. It is a source of regret to me that much of the information given is in an incomplete form, owing to the wholesale destruction of so many of our Government Offices and of their records by the fire of the 6th July 1892.

3. The increasing debt of the Colony is also a subject of great anxiety.

I have, &c.

(Signed) T. O'BRIEN, Lieut.-Colonel,
Governor.

REPORT ON BLUE BOOK, NEWFOUNDLAND, 1892.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honour to forward you herewith the Blue Book of this Colony for the year 1892, for transmission to Her Majesty's Principal Secretary of State for the Colonies.

The destruction of the records of the Customs and other departments by the fire of the 8th July, 1892, has left me without the means of furnishing your Excellency with a full return under all heads. For purposes, therefore, of comparison the Blue Book of the year under consideration can be of little use, and this report can only deal in a general way with the subjects of trade, finance, shipping, and fisheries.

Having taken into consideration the official returns which are at our disposal, and the information derived from outside sources, we

NEWFOUND-
LAND.
1892.
—

are led to the conclusion that the Colony was more than usually prosperous in 1892.

The sealing industry with which our fishing season opens was more than usually productive, yielding \$84,977 more in returns than did 1891, which year was itself much above an average one. The Shore Cod Fishery was good; the Labrador, though less productive than that of 1891, was nevertheless above the average. The Bank Fishery shows an improvement in the average catch per vessel, though there is a falling off in the number of vessels engaged. The other fisheries were fairly up to the average, while the price realised for all compares favourably with that of other years.

Our farmers suffered from a short hay crop, but the extraordinary productiveness of the root and other crops more than compensated for this reduction.

The full return of exports embraced under the head of "mines," the records of which, coming on to St. John's subsequent to the fire, are available, show that this industry has been actively prosecuted, yielding a return valued at \$380,592 in excess of 1891.

From the increased receipts under the head of duties for the part of the year previous to the fire we gather that the purchasing power of the Colony had in no way diminished. It is difficult to decide, with regard to the large increase of revenue for the latter half of the year, as to how much is due to the fire and how much to normal increase.

Deposits in the Savings Bank in 1892 amounted to \$1,237,072, and withdrawals to \$664,399, leaving an amount remaining on the books for the year of \$572,673. The sum deposited in 1892 is \$586,166 in excess of that deposited in 1891. A portion of this increase may be attributed to the city fire, and to the temporary deposit of moneys received by fire sufferers from the insurance companies.

Railway work during the building season, *i.e.*, from early in May to late in December, was continuous and afforded remunerative employment to several hundred of our people.

FINANCE.

The revenue of the Colony for the year 1892 was \$1,883,790.55; that for 1891 was \$1,973,275.34, from which, for purposes of comparison, should be deducted the amount received on account of loans (\$153,069.54), sale of roadway and tools, Hall's Bay Line (\$196,855.76), and insurance on public buildings burnt (\$8,625); this will give us, as the revenue from normal sources, \$1,623,350.04. From the revenue for 1892 must be deducted on account of insurance, public buildings burnt, \$32,260, and the revenue from ordinary sources will be found to exceed that of 1891 by \$260,440.51, all of which is due to an increased Customs

revenue, amounting to \$307,443.58 more than in 1891. There was a falling off in the other sources of revenue, notably interest on guaranteed loan due by St. John's Municipal Council, an accretion of nearly three years' interest having been paid in 1891 while none was paid in 1892. This may be accounted for by the fact that the Council were unable to collect the usual taxes in the burnt section of the city, and that the whole of the taxes raised in the other and smaller sections were required to meet current expenses.

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The expenditure for 1892 was \$1,668,120.64 as against \$1,831,432.43 in 1891. For purposes of comparison it will be necessary to exclude expenditure upon capital account which, in 1891, amounted to \$153,069.54 and in 1892 to \$22,983.04, and we find a reduction in the expenditure for 1892, as compared with that of 1891, of \$33,225.29.

The statement dealing with the assets and liabilities of the colony shows that the floating balance against the colony has been reduced during the year by \$261,080.04.

The funded public debt of the colony has been increased during the year 1892 by \$1,170,003.70 made up as follows—

\$

Debenture under St. John's Rebuilding

Act	-	-	-	-	78,003.70
Railway Construction	-	-	-	-	1,092,000.00
					\$1,170,003.70
					\$1,170,003.70

It now stands at \$6,393,367.41, 5½ millions of which bear interest at 3½ and 4 per cent.

Deducting from this total the debt due by the St. John's Municipal Council, and guaranteed by the Government, i.e., \$928,983.24 and adding the floating debt, \$616,382.79, the actual public debt of the colony will be found to be \$6,080,761.90 or about \$33.00 per head of population.

To represent the increase of debt in 1892 there were 70 additional miles of railway built, and purchases of land were made subsequent to the fire for the widening of the streets and the general improvement of the town of St. John's.

TRADE.

The return of imports for 1892 is complete only as regards four outports; for the rest of the colony it is for the half-year ending 31st December. That of the exports covers St. John's and five outports for the whole year, the rest of the colony for the latter half. The figures given, though incomplete, indicate a favourable condition of trade, and, if we take into consideration the increase in Customs revenue for the first half year, would seem.

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to point to an increased activity in business as compared with 1891, even after making the allowance for the abnormal importation of those articles required to replace the stock destroyed by the fire. We may therefore safely assume that the movements in trade in 1892 were quite equal to, if they did not surpass, those of 1891, while its conditions were equally prosperous. In confirmation of this assumption the following extract from the Budget Speech of the Hon. Receiver General, delivered on the 6th April 1893, may be quoted . . . “I believe I am quite warranted in saying that the trade of the colony during the year under consideration (1892) was quite equal, if not superior, to that of any year within my recollection.”

SHIPPING.

The shipping returns are only partial. They indicate an increase in the number of arrivals and departures over 1891 as also the tonnage entered and cleared.

There were, at the close of 1892, 2,202 vessels registered in Newfoundland, with a tonnage aggregating 92,009 tons.

LEGISLATION.

The Acts passed during the session of 1892 which from their importance call for special comment, are as follows—

The St. John's Municipal Act.

Consolidating and amending all former Acts. It defines the duties and functions of the Municipal Council, marks the limits of the town, and provides that all municipal functions are vested in the council subject only to revision of estimates and taxation by the Legislature.

The Education (Consolidation and Amendment) Act.

Arranges for the re-adjustment of grants in accordance with the census of 1891, and appropriates a sum of \$20,000 in augmentation of teachers' salaries and for the establishment of a Teachers' Pension Fund.

Foreign Fishing Vessels Act.

Authorises the issue of Licences for one year, enabling foreign vessels to enter any port in the island for the purchase of bait and supplies, at a fee of \$1.50 per ton.

Solemnization of Matrimony Amendment Act.

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Permits commissioners and staff officers of the Salvation Army, when duly licensed by the Governor, to celebrate marriage.

And, during the Special Session called subsequent to the fire, the

St. John's Rebuilding Act (Amendment).

Describes the plan upon which the rebuilding of the town is to proceed, provides for the manner in which compensation for land taken shall be assessed and paid, and authorises the Government to assume the powers of the Municipal Council in relation to the laying out of the streets and other matters connected therewith.

Land Tenure Act

This Act provides that where, after the passing of this Act, a building lease shall be for less than 99 years the tenant shall be compensated for improvements, amount to be determined by arbitration and the method under which the same shall be conducted; directs that the awards shall be to the value, to the incoming tenant, of the improvements made, and that no account shall be taken of the increased value of land from any cause. It defines a building lease as a lease of land upon which the lessee erects a building with the consent of the lessor.

These and other Acts of minor importance passed during the two Sessions have already been fully reported upon by the Hon. the Attorney General.

EDUCATION.

There is very little of special importance to report under this head. The additional grant of \$20,000 per annum, all of which is applied to bonuses for teachers according to grade and for the establishment of a pension fund, has given the greatest satisfaction. In 1891 there were 552 schools with an attendance of 33,094. In 1892 the figures were 504 and 34,526 respectively. The total expenditure, including Legislative Grant, fees, and voluntary contributions, amounted in 1892 to \$138,369.

FISHERIES.

Owing to insufficient data I am, unfortunately, not in a position to report in a satisfactory or definite way upon the result of this, our chief industry. However, from sources other than those supplied by the figures in the Blue Book, and for the most part

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unofficial, I have obtained sufficient reliable information to be able to announce a successful result generally. The catch for some of the fisheries, though quite up to the average, was below that of last year, while others, notably the seal and shore cod fishery, were remarkably productive. With the exception of the lobster and Bank fishery the several branches of this industry were carried on more extensively than at any period during the last decade. A reason for this increased vigour can possibly be found in the excellent result of last year's operations, which doubtless induced our business people to provide a larger outfit. Dealing with each branch of the fishery separately, and entering somewhat more into details, I find that the result of the seal fishery for 1892 is valued as follows:—

				\$
5,301 tons of oil -	-	-	-	397,575.00
390,174 seal skins	-	-	-	468,209.00
				<hr/>
Total	-	-	-	865,784.00
				<hr/>

as against the following for 1891—

				\$
4,478 tons of oil -	-	-	-	} 780,807.00
364,981 seal skins	-	-	-	
an increase of	-	-	-	
				84,977.00

Taken as a whole the cod fishery was, in its several branches, superior in its yield to that of last year. The full returns of the Shore and Labrador fisheries are not available but, as I have stated above, the information received from extraneous sources shows that the Shore catch was much above the average whilst that of the Labrador was slightly below. The Bank catch was exceedingly good for the smaller fleet engaged; the take per man being 65 qtls. as against 40 in 1891.

The pickled fish industry was very unsuccessful in all its branches. The catch of salmon was very small and the prices realised were low. The Shore and Labrador herring fishery was unfortunately one of the worst on record. The latter, which was, until the last three years, one of the most profitable and successful of our fisheries, appears to have failed entirely; the limited quantity of herring which now visit the shores of that dependency are both smaller in size and poorer in quality than in former years, indeed it may be said that the once famous "Labrador" herring has, during the last two or three years, entirely disappeared from its shores. It is to be hoped that this valuable fish will shortly return to Labrador waters and, unlike the mackerel, once very plentiful, but now rarely seen on our coasts, that it will provide our fishermen for many years to come with the means of supplementing, very largely, their earnings at the cod fishery.

The lobster fishery has not been as remunerative as in former years. The short catch is doubtless due to the establishment of a lengthy close season and to other restrictive legislation, principally directed against the taking of undersized fish. There can be no question as to the wisdom of this legislation. Prior to its initiation this fishery was prosecuted in such a way that its immediate and complete destruction appeared to be inevitable. Under the new regulations now in force I feel confident that in a few years this industry will again attain its former proportions. As another factor in producing a result so highly desirable must be mentioned artificial hatching. In 1892 429 $\frac{3}{4}$ millions lobsters, thus hatched, were planted in the various bays of the island.

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SHIPBUILDING.

I regret I have nothing favourable to report with regard to this industry. In 1892 bounty was paid on only 15 vessels, aggregating 593 tons. In all probability the cause of this decline is to be found in the curtailment of the Bank outfit which threw a large number of the vessels employed in this industry into the other branches of our fisheries and thus offset the requirements due to losses or increased outfit.

LUMBERING.

As a set-off against the decadence in shipbuilding I have much satisfaction in reporting the increased prosperity in lumbering; indeed it is rapidly taking a high place among the industries of the colony. Although a partial return only of exports under this head is available, yet it will be noticed that nearly 1,000 M feet were exported in 1892 more than in 1891. How much more would have been available for exportation had it not been for the great fire it is impossible to say. Considerably more than half the enormous quantity of lumber required for the rebuilding of the destroyed city was supplied from our forests. It will be noted that notwithstanding the abnormal condition of things which existed subsequent to the fire, the importation of lumber during the half year ending December 31st (the period during which nine-tenths of the lumber imported for the year came in) was fully 1,000 M feet less than it was 10 years ago, when the importation represented a normal trade. \$20 per M is the value set on the lumber, by the Customs authorities, exported to Great Britain, an estimate which I cannot but think is below the actual amount realised on an article the high value of which is now fully recognised in British markets.

MANUFACTURES.

I have little to report with regard to these beyond that they continue to increase, if not rapidly, at least steadily. No new ones

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have been enterprised this year, but although several of the most important manufactories were destroyed by the fire, yet, such was the energy displayed by their owners in rebuilding and replacing their stock, &c. that no serious loss resulted to either employers or employees.

AGRICULTURE.

The season of 1892 having been exceptionally dry the hay crop was short all over the island. The root crop was both abundant in quantity and excellent in quality. It may be said that on the whole the season was a fairly prosperous one for the farmers.

RAILWAYS.

During 1892 operations on the Hall's Bay Line were rapidly pushed forward and at the close of the season the line was open to the public for a distance of 135 miles. Some 15 miles more of iron was laid and in addition to that 27 miles of road were graded. It affords me much pleasure to note the extremely satisfactory way in which the contractor is carrying out the work of construction. By the end of the year the capital was connected by rail with the great Northern Bays of Trinity and Bonavista, and already the beneficial effect of this connection is being felt, enabling residents of those bays to travel to and obtain supplies from St. John's at a time when, previous to the construction of the railway, they were locked up in their respective harbours by the Arctic ice, which, for the greater part of the winter, blocks our north-eastern coast line.

MINING.

Mining statistics show an increase in value of more than one third over the previous year. The shipments of copper and other ores in 1892 were as follows:—

Ingots, 899 tons, value \$213,288. Regulus, 5,744, value \$316,584. Green, 20,000 tons, value \$134,000. Iron pyrites, 35,176 tons, value \$316,584. Total value, \$980,456, as compared with \$626,000 in 1891.

Asbestos mining is progressing satisfactorily. The several properties are being worked with a view to testing the extent of deposits rather than the extraction of the mineral. The indications afford good reason for the belief that this will prove of very considerable economic importance ere long.

I have, &c.
(Signed) R. BOND,
Colonial Secretary.

CROFTER COLONISATION.

FIFTH REPORT

OF

HER MAJESTY'S COMMISSIONERS APPOINTED
TO CARRY OUT A SCHEME

OF

COLONISATION IN THE DOMINION OF CANADA

OF

CROFTERS AND COTTARS FROM THE WESTERN
HIGHLANDS AND ISLANDS OF SCOTLAND;

WITH

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

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1894.

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FIFTH REPORT

OF THE

COLONISATION BOARD.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY :

WE, the undersigned Commissioners appointed under Your Majesty's Sign Manual for the purpose of carrying out a scheme of colonisation in the Dominion of Canada of crofters and cottars from the Western Highlands, and the islands of Scotland, and from the congested districts of Ireland, desire humbly to submit to Your Majesty the following Report :—

Reports have been received from the agent of the Board in Canada relating to the settlements at Killarney, in Manitoba, and at Saltecoats, in the North-West Territories, for the year 1893. The former was established in the summer of 1888, and the latter in the spring of 1889.

Statements are appended containing extracts from the agent's reports (Appendix A.) and summaries of the statistics (Appendix B.), showing the position of the settlements in 1893, the acreage under various crops, live stock on the farms, and other information.

The area under cultivation in the Killarney Settlement becomes larger year by year, and the live stock belonging to the crofters continues to show a satisfactory increase in numbers.

There were 3,461 acres under cultivation in 1893, as compared with 1,420 in 1890, and adding to the former figures the 1,011 acres which have been prepared for crop this year, the arable land in the settlement is 4,472 acres. Dividing this among the 30 families it gives an average of nearly 150 acres per family.

Of the 4,472 acres before referred to, only 3,939½ acres are held by crofters under obligations to the Board. Of that area 2,623 acres were on the homesteads belonging to the heads of families—an average of 87½ acres each; and 1,316 acres on those of the younger members of families, (25) who have taken up farms—an average of 53 acres each.

The crops in the Killarney District were not so abundant as in other parts of the country, the season having been in some respects an unfavourable one. Computed, however, at a low average price, the value of the wheat raised in the settlement was \$11,557.60; of oats, \$1,827.00, and potatoes \$1,404.65, a total of \$14,789.25. These figures do not take into account the wages that must have been earned by the crofters in many cases, and other sources of revenue open to them, or the value of the increase in the live stock. The large number of horses, and of other stock purchased by the crofters since 1890, is also an indication of material progress.

The position of the Saltecoats crofters is not so satisfactory. Owing partly to a series of unsatisfactory seasons, the families remaining in the settlement have not increased the cultivation of their farms to the extent that might have been anticipated. The spring of last year was rather late, and, consequently, some of the crofters who asked to be assisted with seed grain, and potatoes, did not sow all that was supplied to them, but disposed of a portion of it in other ways.

According to the agent's reports, however, the crops in the neighbourhood were generally good, and those settlers whose land was sown in the early days of May had a return of 20 bushels to the acre of wheat, and a fair yield of other crops. Those of the crofters, also, who properly cultivated their farms, and sowed their seed, had a return of at least 18 bushels of wheat to the acre; and there is no reason whatever why all of them should not have been equally successful.

The live stock shows a fair increase, and some of the crofters have been able to purchase not only horses, but additional oxen and cows. They would have been in

a much better position than they are now in that respect, but for the number of stock lost in the settlement in the winter of 1892-93, as mentioned in our previous report. This was largely owing to the abnormal winter, and to insufficient fodder having been provided for the sustenance of the animals.

It is gratifying to notice that the agent, in his report, considers the crofters remaining at Saltcoats to be on the fair road to success, and that the experience they have passed through will have a good effect upon their future.

It may be mentioned that notwithstanding the slow progress that has been shown at Saltcoats, the crofters at that place have been self-supporting for some years past. The total indebtedness of the 23 settlers to the six storekeepers in Saltcoats amounts to but \$112.46, and they have only incurred liabilities to the extent of \$673 in regard to agricultural machinery. In both these respects they contrast very favourably with the crofters at Killarney, where greater material progress has been made.

We regret to report that the Killarney crofters have not paid the first instalment of the money advanced to them, which was due in November 1892. They have unwisely incurred other liabilities in addition to their indebtedness to the Board. They also allowed their taxes to the local municipalities to get into arrear, but have since paid off a small amount. Some years ago, seed-grain was supplied to them by the municipality, the value of which has not been repaid. To machine companies, for farm implements, they owe \$7,231.66, a large part of which need not have been incurred; and to local storekeepers they are indebted to the extent of \$14,869.49. Their debt to the Board is about \$23,890, which, added to their other obligations, about \$25,000.00 in all, makes up a total of nearly \$49,000.

As mentioned already, the value of the crops alone last year, even at the extremely low prices that have prevailed, amounted to nearly \$14,790, which forming, as it does, only a part of their earnings, cannot be considered an unsatisfactory return for the capital invested.

In consequence of the nonpayment of the municipal taxes, the farms of some of the crofters have been nominally sold. They can, however, be redeemed within two years, at a premium of 10 per cent. per annum; and unless the crofters pay the taxes, which they are being strongly urged to do, it will be necessary for the Board to become responsible for the amounts, in order that its security may not be invalidated.

Some of the crofters have, the agent reports, paid a further portion of the overdue taxes, but the total taxes and seed-grain accounts outstanding by latest advices was \$2,913.76. They have all been informed that unless they meet these obligations at once, they cannot expect to receive any indulgence from the Board in connexion with the postponement of their overdue instalments.

If the taxes are not paid, and the Board have to become responsible for them; and if any modified arrangements that may be made with regard to the repayment of the instalments are not carried out, the course that it will be necessary to take for the protection of the interests of the Board will require consideration.

In dealing with the position of the settlements, regard must be had to the changes that have taken place in the condition of agriculture all over the world. The local prices of wheat and of other farm products are little more than half what they were when the settlements were formed, and the same remark applies to live stock. If the former prices had been maintained, both the crofters at Killarney and at Saltcoats would have been in a very different position to that which they occupy to-day.

When it is remembered, that even at very low prices, the crops at Killarney were valued last year at \$14,789, and that the Board's debt against the settlement is only about \$23,890, it is apparent, that had prices been maintained at anything like a reasonable rate, the produce of the crops alone, apart from wages or the increase of stock, would have, in one year, been sufficient to more than cover the debt upon the settlement. The agent, in a recent report, stated that the only complaint made to him by the crofters on a recent visit was that the low prices offered for their produce did not enable them to meet their obligations to the Board.

The first instalment of the debt of the Saltcoats settlement became due in the autumn of last year. It has not been paid, and, in the circumstances already alluded to, it is probable that some indulgence will have to be extended to the settlers, a matter which is having the consideration of the Board.

In our previous report, reference was made to certain complaints from the Saltcoats crofters formulated in a petition addressed to the Secretary for Scotland. Sir Charles Tupper, the High Commissioner for Canada, a member of the Board, visited the Dominion last year, and was good enough to investigate the matter on the spot. A copy of his report is appended (Appendix C.) It will be seen that Sir Charles

Tupper does not regard the complaints as well-founded. They related more or less to difficulties inseparably connected with the migration of a number of families from one country to another. Most of the complaints were investigated by the Select Committee of the House of Commons on Colonisation, which made its report to Parliament in 1891. Sir Charles Tupper has formed, on the whole, a favourable opinion of the scheme, so far as it has been carried out, and looks forward with confidence to the future success of the settlement.

No colonisation has yet been undertaken by the Board from the congested districts of Ireland.

(Signed) GEORGE OTTO TREVELYAN.
 HORACE PLUNKETT.
 CHARLES TUPPER.
 JAMES KING.
 COLIN SCOTT-MONCRIEFF.
 JOHN ROSS OF BLADENSBURG.
 JAMES BELL.
 THOMAS SKINNER.

J. G. COLMER, Secretary.
 June 1894.

APPENDIX A.

EXTRACTS FROM AGENTS' REPORTS.

EXTRACT FROM THE REPORT OF THE AGENT ON THE
KILLARNEY SETTLEMENT.

"The cause of the low yield per acre for season of 1893 is accounted for by hot winds, which visited the Colony during the month of June, and to high winds during harvest time, which thrashed the grain out.

"The grain harvested by the settlers was, of the best quality, and rated No. 1 hard.

"The average price paid to the crofters for their wheat was \$0.45, and oats \$0.22 per bushel.

"The only complaint made to me by the crofters, was, that the low prices offered for their grain would not permit them to meet their obligations to the Board.

"All crofters assured me they would pay their municipal indebtedness out of the proceeds of this year's crop."

EXTRACT FROM THE REPORT OF THE AGENT ON THE
SALTCOATS SETTLEMENT.

"It will be further observed from the schedules enclosed, that notwithstanding the heavy loss of stock, some of the crofters sustained during the winter of 1892 and 1893 by not putting up sufficient hay, they have still a fair herd, which, with careful husbanding, will, in time, be the means of enabling these settlers to meet their obligations to the Board.

"From the data enclosed, it will be apparent to the the Board that it is not at present the crofters' intention to go largely into grain-growing. If this statement is accepted, it would be necessary for the Board to base any calculations with regard to the time the crofters will be expected to repay their loans on the natural increase of the stock now in their possession, and not so much on the proceeds to be derived from the sale of grain grown.

"On the agent's recent visit to Saltcoats he ascertained from the six shopkeepers doing business there, that the total indebtedness of the crofters to them, amounted to \$112.40, and that certain of the crofters could obtain small credits at any time they wished. The total indebtedness for farm machinery purchased was ascertained to be \$673.00.

"On the whole, the agent considers the crofters located in the Colony of 'Lothian' to be on the fair road to success. The experience gained by the loss of so much stock and crop, through their own want of care can have but a good effect."

The only complaint made to the agent on his recent visit to the Colony was that "Some enemies of us 'crofters are telling lies to the papers.'" When asked to what lies they referred, they said, 'They say we are "starving and being frozen to death. We are not in "want; we have cattle, and lots to bake,"—a statement that can be easily verified by any person visiting their houses, when bags of flour and oatmeal can be seen.

APPENDIX B.
KILLARNEY CROFTERS, 1890-93.

Number of Families.	Wheat.		Oats.		Potatoes.		Total Acres under cultivation.	Breaking, Back-setting, and Summer Fallow.	Grand Total.	Tons of Hay cut.	Live Stock on Farm.												Remarks.	
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.					Horses.	Oxen, I.C.B.	Oxen.	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Ducks.	Geese.	Turkeys.		Pigs.	Sheep.
70 Homesteaders :																								
For 1893 -	2,875	83,607	559½	9,580	27	4,152	3,461½	1,011	4,472½	1,130	89	31	66	30	45	39	33	5	1,408	—	2	2	157	7
For 1890 -	1,336½	20,324	74	2,168	10	1,761	1,420¾	859	2,279½	518	1	57	24	37	25	50	37	5	813	3	—	—	38	5
Increase	1,538½	13,283	485½	7,412	17	2,391	2,040¾	152	2,192¾	612	88	—	42	—	20	—	—	—	595	—	2	2	119	2
Decrease	—	—	—	—	—	—	—	—	—	—	—	26½	—	7	—	11	4	—	—	—	3	—	—	—

APPENDIX B.

SALTCOATS CROFTERS, 1893.

Homesteaders for--	Wheat.		Oats.		Potatoes.		Total Acres under cultivation.	Breaking, Back-setting, and Summer Fallow.	Grand Total.	Tons of Hay cut.	Live Stock on Farm.												Remarks.		
	Acres.	Yield.	Acres.	Yield.	Acres.	Yield.					Horses.	Oxen, I.C.B.	Oxen	Cows, I.C.B.	Cows.	Heifers.	Steers.	Bulls.	Chickens.	Ducks.	Geese.	Turkeys.		Pigs.	Sheep.
1893 = 23	-	54	728	794	18½	1,035	122½	174	296½	842	7	29	6	37	49	75	56	10	483	—	2	58	12	6	
1890 = 23	-	47¼	778	1,700	8½	1,480	129	59	188	290	—	28	—	19	6	15	14	1	176	—	—	—	—	—	
Increase	-	6¾	—	—	10	—	—	115	108½	552	7	1	6	18	43	60	42	9	307	—	2	58	12	6	
Decrease	-	—	50	906	—	445	6½	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

APPENDIX C.

April 2nd, 1894.

DEAR SIR GEORGE TREVELYAN,

As promised in August last, I have taken the opportunity of a visit to Canada on private business, to inspect the settlement of crofters at Saltcoats, for the purpose of ascertaining their present condition, and of making some inquiry into the complaints formulated in the petitions forwarded to you.

It will be within your knowledge that most of the complaints have already been investigated on several occasions, and that they relate to circumstances which occurred in 1889, connected with the conveyance of the crofters from the port of landing in Canada, to their destination, and to their settlement. The matter was fully gone into by the Colonisation Committee of the House of Commons which sat in 1889-90-91. The Secretary of the Board was examined, both before and after having visited the settlement, as well as other gentlemen who have personal knowledge of the facts and were able to speak with authority. I think I may say that the impression left on the minds of the members of the Committee was that there was little or no foundation for the complaints, and this is my own opinion as the result of my investigation.

The Saltcoats district is well adapted for mixed farming. Where the land had been properly prepared for wheat, oats, and barley, an abundant crop was harvested during the year, and I found that the surrounding farmers spoke in very favourable terms of the district and the fertility of the soil. For stock-raising it cannot be surpassed. The country is fairly well wooded, affording good shelter for the cattle; and hay of the finest quality can be obtained in great abundance at practically only the cost of labour and haulage.

The crofters at Saltcoats, partly from their own fault, and partly from an imperfect knowledge of farming, have been unfortunate in their crops in the last few years, and it is a matter for regret that they did not have much crop in 1893. They were somewhat discouraged by their want of success in previous years, and owing to the spring being rather late, did not believe a good season would follow. Consequently many of them did not sow all the grain and potatoes supplied to them for seeding purposes, but used some of it for food. The harvest turned out after all to be a fair average one, and wheat sown in the neighbourhood from the 1st to the 10th of May, averaged 20 bushels to the acre, of excellent quality. Those of the crofters who put in wheat, obtained an average return of 18 bushels to the acre, and those who did not sow any regretted it afterwards. Another reason given for little or no seed having been put in the ground in many instances, was that the oxen were very weak at seeding-time—the result of the late severe winter, and of insufficient food having been put up for them by the crofters—and were not capable of doing much work.

In their spare time the crofters have no difficulty in obtaining work. A considerable number can always obtain employment on the local railways at \$1.25 a day; but they seem to prefer to work out as farm labourers, for which they often secure from \$25 to \$40 per month and board during harvest. The young women can readily obtain work at from \$8 to \$10 per month; and I was informed that several of them had made desirable marriages. It is not only in summer that work is plentiful, but in winter also it can be secured by those who look for it. Several crofters told me that they made from \$20 to \$60 during last winter cutting and drawing wood to Saltcoats, for which they could always obtain \$3.50 (14s.) a load. There is always good local demand for butter, poultry, and eggs, and for roots and vegetables.

Apart, therefore, from the proceeds of their farms, the crofters have had many other opportunities of earning money, not only to help them in supplying food for their families, but in adding to their stock, if they wished to do so.

There is an abundance of game in the neighbourhood, particularly of prairie chickens, a variety of grouse. They can be killed from the 1st September to the

1st February, but even during the close season settlers are permitted to kill if necessary for food. Rabbits are plentiful, and the same remark applies to ducks and geese. Deer are also occasionally seen in the Colony, and five were killed in one day during last season.

In my inspection of the Colony, I went into the houses of the crofters, which, with scarcely an exception, presented a warm and comfortable appearance, nearly all of them having been greatly improved since they were built. I was informed by the wives and daughters of the crofters that they had no difficulty in keeping the houses warm. The vigorous appearance of the children I saw there much impressed me, and their condition is evidence not only of the healthiness of the climate, but of their not having suffered hardships or privations.

There are two school districts in Saltcoats, in one of which the teacher is Mr. Angus McLeod, of whom I can speak in the highest terms. His salary has been about \$400 a year, two-thirds of which was paid by the North-west Territories and one-third by the Manitoba Presbytery, but recently the latter part of his remuneration has been withdrawn. In the other district Mr. Colin McLeay is the teacher. His salary was \$700 a year, paid in the same proportions by the North-west Territories and Manitoba Presbytery, although the latter grant has also recently been discontinued.

I was sorry to find that so many crofters have abandoned their homesteads. It will be remembered that 49 families were assisted to emigrate, and that, in addition to the homesteads taken up by the heads of the families, 23 homesteads were also secured by younger members of the families, and in many cases they were assisted out of funds at the disposal of the Board. Altogether there have been five deaths in the Colony, and 43 persons have left their homesteads, making a total of 48 vacant homesteads. No satisfactory reason has been assigned to account for these people leaving their homesteads. Many of them however were fishermen, unaccustomed to farming, and evidently did not take to the work. They preferred employment as daily or weekly labourers, which enabled them to obtain their wages every few days, to working on their own farms. Not, however, that the two things were incompatible. They might have done their own ploughing and sowing, leaving their families to attend to the crops and cattle in many cases, and have procured outside work with which to supplement their incomes, and to help them to extend their own operations. Although they have given up farming, many are doing well in different parts of the country. Some are fishing on the Lakes Winnipeg, Manitoba, and Superior, while others are at work at the lumber mills in different parts of the country.

It is not believed that any considerable loss will result from the abandonments that have taken place. The abandoned land will be patented to the Board, and the cattle and chattels which were left have been sold, and the proceeds credited to the accounts of the crofters. It may be a little time before the homesteads can be disposed of, but it is believed that they will eventually realise nearly, if not quite, the amount of debt which on an average they represent.

While it is a matter for regret that many of the crofters have left their homesteads, I do not think that the scheme can in any way be described as a failure. Although the people have gone away, they are still doing well in various places, and in only two or three individual cases have they returned to Scotland. The fact that they have been able to get away at all, whether to other parts of Canada or across the Atlantic, is in itself an argument in favour of the measure of success they achieved, because the expense of moving a family even a few hundred miles is not inconsiderable to men in their position, and they must have been making money as the result of their labour, either at Saltcoats or elsewhere. Then again, if they are doing well anywhere in Canada, they cannot be described as failures, excepting so far as they have not remained upon the land; and in any case their preliminary

experience at Saltcoats was exceptionally valuable to them, as without it they could not have so readily assimilated themselves to the ways of the country.

In view of the circumstances I have mentioned, and of the losses experienced by the crofters in their stock in the winter of 1892-93, arising chiefly, as already stated, from insufficient fodder having been put up for their sustenance, I recommend that the Saltcoats crofters should not be pressed to meet the instalments of the loans advanced to them for a year or two. Even were they in a position to pay, I am strongly of the opinion that it would be to their interest to spend any available funds they might have in improving their farms, and in adding to their stock. They would then be in a much better position a year or two hence to liquidate their obligations, and it would distinctly encourage them to persevere.

I was not able, during my visit to Manitoba, to visit the Killarney settlement, but Professor Wallace, who went there and examined the settlement, states that he witnessed the greatest prosperity throughout the district. The amount of land under cultivation is large, the crops fairly satisfactory, and everything indicates a thriving and prosperous condition of the people.

The settlers in that district have allowed themselves to get behind with their municipal taxes, and have incurred considerable debts with implement makers and provision merchants.

In consequence of the nonpayment of their municipal taxes, the holdings of a number of the Killarney crofters have been nominally sold by the municipalities. They can, however, be redeemed within one year, which expires in May next, at a premium of 10 per cent., or within two years at a payment of 20 per cent. I trust that the crofters will pay their taxes, and in that case the security of the Board will not be invalidated. In the event, however, of any of the crofters not paying their taxes, the Board will have to consider what action should then be taken. Two courses will be open, should the Board decide to meet the liability to preserve their security (1) to add the amount to the debt against the homesteads, and get payment as soon as possible, or (2) to foreclose and dispossess the crofters of their holdings.

A satisfactory explanation has been afforded as to why the crofters allowed the proceedings to be taken against them. As a matter of fact, money can only be borrowed locally at a high rate of interest, and it is, therefore, cheaper for the settlers to allow their homesteads to be nominally sold than to borrow money for the payment of taxes in times of pressure, especially as any sale can be redeemed within one year at a premium of 10 per cent. and in two years at 20 per cent. I am told that this course is adopted when the necessity arises by other settlers as well as crofters.

For the reasons I advanced in the case of Saltcoats settlers, I recommend that those at Killarney should not be pressed to meet the instalments of the loans advanced to them for a year or two. Statements recently received from the agent of the Board show that the total debts of the settlement amount to about \$48,839, of which about \$23,900 represent obligations to the Board. The income of the settlement in 1893, calculated on a low basis of value, from the crops of wheat, oats and potatoes alone was however nearly \$15,000. This is a very satisfactory showing, as it does not include the increase in the stock, the wages the crofters may have earned, or any other sources of income.

Mr. Borradaile, in writing at the end of November last, after a visit he had paid to the Colony, stated "the only complaint to me by the crofters was that the low prices offered for their grain would not permit them to meet their obligations to the Board. All the crofters assured me they would pay their municipal indebtedness out of the proceeds of this year's

"crop." They certainly ought to have no difficulty in doing what they promised, and also in paying a portion of their other debts; and to permit of this being done I recommend that the repayment of the instalments to the Board should be deferred for a year or two. Besides, as in the case of the Saltcoats settlers, I am of the opinion that they could with advantage spend any spare funds in improving their farms and in adding to their stock.

It must be remembered in considering the position of both the Killarney and Saltcoats settlements, that the prices of grain of all kinds and of other farm produce have in the last two years much depreciated—in the case of grain to the extent of nearly one-half. Had prices been maintained, the condition of the crofters to-day would have been very much better.

After fully considering the matter from every point of view, I have come to the conclusion, as already mentioned, that the colonisation scheme can in no sense be described as a failure. The families remaining at Saltcoats, notwithstanding the difficulties they have encountered, partly arising from their inexperience and previous training, and partly from one or two exceptional seasons, are in a fairly comfortable position. They all have a fair amount of stock (and would have had a much larger number had they put up enough hay in 1892) which is sure to rapidly increase if proper care is taken; and they have been very nearly self-supporting during the four years or more they have been in Canada.

Although a large number of families have left the settlement, no satisfactory explanation of their action can be given. There is no reason why they should not have succeeded as well as those remaining in the settlement or even as well as those at Killarney, if they had shown perseverance, energy, and a capacity for hard work—the elements necessary to success anywhere. But even these people cannot be described as failures. They must have earned considerable money, as previously stated, to have enabled them to take their families away from Saltcoats and settle elsewhere. This in itself is the strongest evidence that can be given in favour of the country generally, and of the district in which they were settled. It also serves to show what they might have done had they remained at Saltcoats, and devoted their attention to carrying out the agreements into which they entered, and upon the faith of which they were assisted to emigrate. As already explained, the land abandoned by them will be transferred to the Board, and when sold will nearly, if not quite, represent the money expended upon the crofters in question.

As regards Killarney, that part of the experiment, especially from the crofters' point of view, must be regarded as successful. All the families are doing well. They have a large area of land under crop, and are likely to become independent and successful farmers at no distant day. Like agriculturists everywhere they have suffered from the low prices during the last few years, both for stock and grain, circumstances which could not be foreseen when they first went out. One of the young men has already repaid the amount advanced to him, and I am looking forward to the other families commencing their repayments, and rapidly disposing of their indebtedness to the Board in the near future.

There is no doubt whatever that the condition of the crofters in Canada compares favourably with their position in the Hebrides. I believe that the money advanced to them by the Board will result in prosperity to themselves and to their families, and I am sanguine that it will be repaid.

I remain,

Yours faithfully,

(Signed) CHARLES TUPPER.

The Right Hon. Sir George O. Trevelyan, Bart.

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